

**SUBSTITUTE FOR
SENATE BILL NO. 140**

A bill to amend 1979 PA 94, entitled
"The state school aid act of 1979,"
by amending sections 236, 236a, 236c, 241, 245, 251, 252, 256, 263,
264, 265, 265a, 265b, 265c, 265d, 267, 268, 269, 270, 274, 274c,
276, 277, 278, 279, 280, 281, 282, and 289 (MCL 388.1836,
388.1836a, 388.1836c, 388.1841, 388.1845, 388.1851, 388.1852,
388.1856, 388.1863, 388.1864, 388.1865, 388.1865a, 388.1865b,
388.1865c, 388.1865d, 388.1867, 388.1868, 388.1869, 388.1870,
388.1874, 388.1874c, 388.1876, 388.1877, 388.1878, 388.1879,
388.1880, 388.1881, 388.1882, and 388.1889), sections 236, 236a,
236c, 241, 245, 251, 252, 256, 263, 264, 265a, 267, 268, 269, 270,
274, 274c, 276, 277, 278, 279, 280, 281, 282, and 289 as amended
and sections 265b, 265c, and 265d as added by 2018 PA 265 and
section 265 as amended by 2018 PA 586, and by adding section 275d;

Senate Bill No. 140 as amended May 14, 2019
and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 ~~<<Sec. 236. (1) Subject to the conditions set forth in this~~
2 ~~article, the amounts listed in this section are appropriated for~~
3 ~~higher education for the fiscal year ending September 30, 2019,~~
4 ~~<< >>, from the funds indicated in this section. The following is a~~
5 ~~summary of the appropriations in this section:~~
6 ~~(a) The gross appropriation is \$1,669,732,600.00.~~
7 ~~<< >>. After deducting total interdepartmental grants~~
8 ~~and intradepartmental transfers in the amount of \$0.00, the~~
9 ~~adjusted gross appropriation is \$1,669,732,600.00.~~
10 ~~<< >>~~
11 ~~(b) The sources of the adjusted gross appropriation described~~
12 ~~in subdivision (a) are as follows:~~
13 ~~(i) Total federal revenues, \$123,526,400.00. << >>.~~
14 ~~(ii) Total local revenues, \$0.00.~~
15 ~~(iii) Total private revenues, \$0.00.~~
16 ~~(iv) Total other state restricted revenues,~~
17 ~~\$500,188,300.00. << >>.~~
18 ~~(v) State general fund/general purpose money,~~
19 ~~\$1,046,017,900.00. << >>.~~
20 ~~(2) Amounts appropriated for public universities are as~~
21 ~~follows:~~
22 ~~(a) The appropriation for Central Michigan University is~~
23 ~~\$87,415,000.00, \$85,654,400.00 for operations and \$1,760,600.00 for~~
24 ~~performance funding. <<~~
25 ~~>>~~
26

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~~(b) The appropriation for Eastern Michigan University is
 \$76,979,300.00, \$75,169,900.00 for operations and \$1,809,400.00 for
 performance funding.<<~~

>>

~~(c) The appropriation for Ferris State University is
 \$54,950,700.00, \$53,595,500.00 for operations and \$1,355,200.00 for
 performance funding.<<~~

>>

~~(d) The appropriation for Grand Valley State University is
 \$72,056,600.00, \$70,100,100.00 for operations and \$1,956,500.00 for
 performance funding<<~~

>>

~~(e) The appropriation for Lake Superior State University is
 \$13,987,000.00, \$13,775,000.00 for operations and \$212,000.00 for
 performance funding. <<~~

>>

~~(f) The appropriation for Michigan State University is
 \$350,703,300.00, \$281,239,100.00 for operations, \$5,035,100.00 for
 performance funding, \$34,591,400.00 for MSU AgBioResearch, and
 \$29,837,700.00 for MSU Extension.<<~~

>>

~~(g) The appropriation for Michigan Technological University is
 \$49,949,600.00, \$49,052,200.00 for operations and \$897,400.00 for
 performance funding<<~~

>>

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1 ~~for performance funding.<<~~

2 >>

3 ~~(o) The appropriation for Western Michigan University is~~
 4 ~~\$111,151,000.00, \$109,376,800.00 for operations and \$1,774,200.00~~
 5 ~~for performance funding.<<~~

6 >>

7 ~~(3) The amount appropriated in subsection (2) for public~~
 8 ~~universities is appropriated from the following:~~

9 ~~—— (a) State school aid fund, \$494,286,300.00.~~

10 ~~—— (b) State general fund/general purpose money,~~

11 ~~\$1,027,054,600.00.<< >>~~

12 ~~(4) The amount appropriated for Michigan public school~~
 13 ~~employees' retirement system reimbursement is \$5,133,000.00,~~

14 ~~<< >> appropriated from the state school aid fund.~~

15 ~~—— (5) The amount appropriated for state and regional programs is~~
 16 ~~\$315,000.00, appropriated from general fund/general purpose money~~
 17 ~~and allocated as follows:~~

18 ~~—— (a) Higher education database modernization and conversion,~~
 19 ~~\$200,000.00.~~

20 ~~—— (b) Midwestern Higher Education Compact, \$115,000.00.~~

21 ~~—— (6) The amount appropriated for the Martin Luther King, Jr.~~
 22 ~~Cesar Chavez — Rosa Parks program is \$2,691,500.00, appropriated~~
 23 ~~from general fund/general purpose money and allocated as follows:~~

24 ~~—— (a) Select student support services, \$1,956,100.00.~~

25 ~~—— (b) Michigan college/university partnership program,~~
 26 ~~\$586,800.00.~~

27 ~~—— (c) Morris Hood, Jr. educator development program,~~

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1 ~~\$148,600.00.~~

2 ~~—— (7) Subject to subsection (8), the amount appropriated for~~
 3 ~~grants and financial aid is \$139,583,200.00, allocated as follows:~~

4 ~~—— (a) State competitive scholarships, \$32,361,700.00.~~

5 ~~—— (b) Tuition grants, \$38,021,500.00.~~

6 ~~—— (c) Tuition incentive program, \$64,300,000.00.~~

7 ~~—— (d) Children of veterans and officer's survivor tuition grant~~
 8 ~~programs, \$1,400,000.00.~~

9 ~~—— (e) Project GEAR UP, \$3,200,000.00.~~

10 ~~—— (f) North American Indian tuition waiver, \$300,000.00.~~

11 ~~—— (8) The money appropriated in subsection (7) for grants and~~
 12 ~~financial aid is appropriated from the following:~~

13 ~~—— (a) Federal revenues under the United States Department of~~
 14 ~~Education, Office of Elementary and Secondary Education, GEAR UP~~
 15 ~~program, \$3,200,000.00.~~

16 ~~—— (b) Federal revenues under the social security act, temporary~~
 17 ~~assistance for needy families, \$120,326,400.00.<< >>~~

18 ~~—— (c) Contributions to children of veterans tuition grant~~
 19 ~~program, \$100,000.00.~~

20 ~~<< >> (d) State general fund/general purpose money,~~
 21 ~~\$15,956,800.00.<< >>~~

22 ~~(9) For fiscal year 2018-2019 only, << >> in addition to~~
 23 ~~the allocation under subsection (4), from the appropriations~~
 24 ~~described in subsection (1), there is allocated an amount not to~~
 25 ~~exceed \$669,000.00.<< >> for payments to participating~~
 26 ~~public universities, appropriated from the state school aid fund. A~~
 27 ~~university that receives money under this subsection shall use that~~

1 ~~money solely for the purpose of offsetting the normal cost~~
 2 ~~contribution rate. As used in this subsection, "participating~~
 3 ~~public universities" means public universities that are a reporting~~
 4 ~~unit of the Michigan public school employees' retirement system~~
 5 ~~under the public school employees retirement act of 1979, 1980 PA~~
 6 ~~300, MCL 38.1301 to 38.1437, and that pay contributions to the~~
 7 ~~Michigan public school employees' retirement system for the state~~
 8 ~~fiscal year.~~

<< Sec. 236. (1) Subject to the conditions set forth in this article, the amounts listed in this section are appropriated for higher education for the fiscal year ending September 30, ~~2019, 2020~~, from the funds indicated in this section. The following is a summary of the appropriations in this section:

(a) The gross appropriation is ~~\$1,669,732,600.00-~~
~~\$1,693,001,800.00~~. After deducting total interdepartmental grants and intradepartmental transfers in the amount of \$0.00, the adjusted gross appropriation is ~~\$1,669,732,600.00-~~~~\$1,693,001,800.00~~.

(b) The sources of the adjusted gross appropriation described in subdivision (a) are as follows:

- (i) Total federal revenues, ~~\$123,526,400.00-~~~~\$128,026,400.00~~.
- (ii) Total local revenues, \$0.00.
- (iii) Total private revenues, \$0.00.
- (iv) Total other state restricted revenues, ~~\$500,188,300.00-~~~~\$500,537,300.00~~.
- (v) State general fund/general purpose money, ~~\$1,046,017,900.00-~~~~\$1,064,438,100.00~~.

(2) Amounts appropriated for public universities are as follows:

(a) The appropriation for Central Michigan University is ~~\$87,415,000.00,~~ ~~\$85,654,400.00 for operations and \$1,760,600.00 for performance funding.~~ ~~\$89,720,800.00,~~ ~~\$88,695,000.00 FOR OPERATIONS AND \$1,025,800.00 FOR PERFORMANCE FUNDING.~~

(b) The appropriation for Eastern Michigan University is ~~\$76,979,300.00,~~ ~~\$75,169,900.00 for operations and \$1,809,400.00 for performance funding.~~ ~~\$77,960,500.00,~~ ~~\$77,118,800.00 FOR OPERATIONS AND \$841,700.00 FOR PERFORMANCE FUNDING.~~

(c) The appropriation for Ferris State University is ~~\$54,950,700.00,~~ ~~\$53,595,500.00 for operations and \$1,355,200.00 for performance funding.~~ ~~\$56,304,000.00,~~ ~~\$55,739,700.00 FOR OPERATIONS AND \$564,300.00 FOR PERFORMANCE FUNDING.~~

(d) The appropriation for Grand Valley State University is ~~\$72,056,600.00,~~ ~~\$70,100,100.00 for operations and \$1,956,500.00 for performance funding.~~ ~~\$73,882,000.00,~~ ~~\$72,855,400.00 FOR OPERATIONS AND \$1,026,600.00 FOR PERFORMANCE FUNDING.~~

(e) The appropriation for Lake Superior State University is ~~\$13,987,000.00,~~ ~~\$13,775,000.00 for operations and \$212,000.00 for performance funding.~~ ~~\$14,414,400.00,~~ ~~\$14,303,300.00 FOR OPERATIONS AND \$111,100.00 FOR PERFORMANCE FUNDING.~~

(f) The appropriation for Michigan State University is ~~\$350,703,300.00,~~ ~~\$281,239,100.00 for operations,~~ ~~\$5,035,100.00 for performance funding,~~ ~~\$34,591,400.00 for MSU AgBioResearch, and~~

~~-\$29,837,700.00 for MSU Extension-\$355,605,600.00, \$287,272,800.00 FOR OPERATIONS, \$2,937,200.00 FOR PERFORMANCE FUNDING, \$35,110,300.00 FOR MSU AGRIBIORESEARCH, AND \$30,285,300.00 FOR MSU EXTENSION.~~

(g) The appropriation for Michigan Technological University is ~~\$49,949,600.00, \$49,052,200.00 for operations and \$897,400.00 for performance funding.~~\$50,814,100.00, \$50,301,800.00 FOR OPERATIONS AND \$512,300.00 FOR PERFORMANCE FUNDING.

(h) The appropriation for Northern Michigan University is ~~\$47,998,400.00, \$47,137,400.00 for operations and \$861,000.00 for performance funding.~~\$49,124,500.00, \$48,676,200.00 FOR OPERATIONS AND \$448,300.00 FOR PERFORMANCE FUNDING.

(i) The appropriation for Oakland University is ~~\$52,819,200.00, \$51,235,900.00 for operations and \$1,583,300.00 for performance funding.~~\$53,828,000.00, \$53,005,000.00 FOR OPERATIONS AND \$823,000.00 FOR PERFORMANCE FUNDING.

(j) The appropriation for Saginaw Valley State University is ~~\$30,528,000.00, \$29,766,100.00 for operations and \$761,900.00 for performance funding.~~\$30,925,400.00, \$30,680,400.00 FOR OPERATIONS AND \$245,000.00 FOR PERFORMANCE FUNDING.

(k) The appropriation for University of Michigan - Ann Arbor is ~~\$320,782,400.00, \$314,589,100.00 for operations and \$6,193,300.00 for performance funding.~~\$324,355,200.00, \$321,059,300.00 FOR OPERATIONS AND \$3,295,900.00 FOR PERFORMANCE FUNDING.

(l) The appropriation for University of Michigan - Dearborn is ~~\$26,071,800.00, \$25,421,900.00 for operations and \$649,900.00 for performance funding.~~\$26,494,400.00, \$26,146,600.00 FOR OPERATIONS AND \$347,800.00 FOR PERFORMANCE FUNDING.

(m) The appropriation for University of Michigan - Flint is ~~\$23,585,400.00, \$23,061,800.00 for operations and \$523,600.00 for performance funding.~~\$24,006,400.00, \$23,770,800.00 FOR OPERATIONS AND \$235,600.00 FOR PERFORMANCE FUNDING.

(n) The appropriation for Wayne State University is ~~\$202,363,200.00, \$199,169,800.00 for operations and \$3,193,400.00 for performance funding.~~\$204,230,500.00, \$202,529,900.00 FOR OPERATIONS AND \$1,700,600.00 FOR PERFORMANCE FUNDING.

(o) The appropriation for Western Michigan University is ~~\$111,151,000.00, \$109,376,800.00 for operations and \$1,774,200.00 for performance funding.~~\$112,795,300.00, \$111,743,900.00 FOR OPERATIONS AND \$1,051,400.00 FOR PERFORMANCE FUNDING.

(3) The amount appropriated in subsection (2) for public universities is appropriated from the following:

(a) State school aid fund, \$494,286,300.00.

(b) State general fund/general purpose money, ~~\$1,027,054,600.00.~~\$1,050,174,800.00.

(4) The amount appropriated for Michigan public school employees' retirement system reimbursement is ~~\$5,133,000.00.~~\$5,017,000.00, appropriated from the state school aid fund.

(5) The amount appropriated for state and regional programs is \$315,000.00, appropriated from general fund/general purpose money and allocated as follows:

(a) Higher education database modernization and conversion, \$200,000.00.

(b) Midwestern Higher Education Compact, \$115,000.00.

(6) The amount appropriated for the Martin Luther King, Jr. - Cesar Chavez - Rosa Parks program is \$2,691,500.00, appropriated from general fund/general purpose money and allocated as follows:

(a) Select student support services, \$1,956,100.00.

(b) Michigan college/university partnership program, \$586,800.00.

(c) Morris Hood, Jr. educator development program, \$148,600.00.

(7) Subject to subsection (8), the amount appropriated for grants and financial aid is ~~\$139,583,200.00.~~\$139,283,200.00, allocated as follows:

(a) State competitive scholarships, \$32,361,700.00.
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(b) Tuition grants, \$38,021,500.00.
(c) Tuition incentive program, \$64,300,000.00.
(d) Children of veterans and officer's survivor tuition grant programs, \$1,400,000.00.
(e) Project GEAR-UP, \$3,200,000.00.
~~(f) North American Indian tuition waiver, \$300,000.00.~~

(8) The money appropriated in subsection (7) for grants and financial aid is appropriated from the following:

(a) Federal revenues under the United States Department of Education, Office of Elementary and Secondary Education, GEAR-UP program, \$3,200,000.00.

(b) Federal revenues under the social security act, temporary assistance for needy families, ~~\$120,326,400.00.~~\$124,826,400.00.

~~(c) Contributions to children of veterans tuition grant program, \$100,000.00.~~

(C) ~~(d) State general fund/general purpose money, \$15,956,800.00.~~\$11,256,800.00.

(9) For fiscal year ~~2018-2019 only,~~ 2019-2020 in addition to the allocation under subsection (4), from the appropriations described in subsection (1), there is allocated an amount not to exceed ~~\$669,000.00~~ \$1,234,000.00 for payments to participating public universities, appropriated from the state school aid fund. A university that receives money under this subsection shall use that money solely for the purpose of offsetting the normal cost contribution rate. As used in this subsection, "participating public universities" means public universities that are a reporting unit of the Michigan public school employees' retirement system under the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1301 to 38.1437, and that pay contributions to the Michigan public school employees' retirement system for the state fiscal year.>>

9 Sec. 236a. It is the intent of the legislature to provide
10 appropriations for the fiscal year ending on September 30, ~~2020~~
11 ~~2021~~ for the items listed in section 236. The fiscal year ~~2019-2020~~
12 ~~2020-2021~~ appropriations are anticipated to be the same as those
13 for fiscal year ~~2018-2019,~~ 2019-2020, except that the amounts will
14 be adjusted for changes in caseload and related costs, federal fund
15 match rates, economic factors, and available revenue. These
16 adjustments will be determined after the January ~~2019-2020~~
17 consensus revenue estimating conference. **FOR FISCAL YEAR 2020-2021,**
18 **THE AMOUNT APPROPRIATED FOR MICHIGAN PUBLIC SCHOOL EMPLOYEES'**
19 **RETIREMENT SYSTEM REIMBURSEMENT IS PROJECTED TO BE \$7,264,000.00.**

20 Sec. 236c. In addition to the funds appropriated for fiscal
21 year ~~2018-2019-2019-2020~~ in section 236, appropriations to the
22 department of technology, management, and budget in the act
23 providing general appropriations for fiscal year ~~2018-2019-2019-~~

24 2020 for state building authority rent, totaling an estimated
25 ~~\$155,478,500.00~~, **\$144,995,300.00** provide funding for the state
26 share of costs for previously constructed capital projects for
27 state universities. These appropriations for state building

1 authority rent represent additional state general fund support
2 provided to public universities, and the following is an estimate
3 of the amount of that support to each university:

4 (a) Central Michigan University,

5 ~~\$12,936,500.00~~-\$12,141,800.00.

6 (b) Eastern Michigan University, ~~\$7,083,900.00~~-\$7,673,600.00.

7 (c) Ferris State University, ~~\$8,275,000.00~~-\$8,434,200.00.

8 (d) Grand Valley State University,

9 ~~\$8,800,000.00~~-\$6,752,400.00.

10 (e) Lake Superior State University,

11 ~~\$2,285,800.00~~-\$1,856,100.00.

12 (f) Michigan State University, ~~\$16,790,400.00~~-\$15,514,900.00.

13 (g) Michigan Technological University,

14 ~~\$6,782,000.00~~-\$6,912,500.00.

15 (h) Northern Michigan University, ~~\$7,309,000.00~~-\$7,449,600.00.

16 (i) Oakland University, ~~\$12,665,000.00~~-\$12,908,600.00.

17 (j) Saginaw Valley State University,

18 ~~\$10,984,000.00~~-\$10,670,900.00.

19 (k) University of Michigan - Ann Arbor,

20 ~~\$11,861,000.00~~-\$9,795,900.00.

21 (l) University of Michigan - Dearborn,

22 ~~\$10,918,000.00~~-\$9,522,700.00.

23 (m) University of Michigan - Flint,

24 ~~\$6,244,800.00~~-\$4,128,900.00.

25 (n) Wayne State University, ~~\$16,480,200.00~~-\$16,008,000.00.

26 (o) Western Michigan University,

27 ~~\$16,062,900.00~~-\$15,225,200.00.

1 Sec. 241. (1) Subject to sections 244 and 265a, the funds
2 appropriated in section 236 to public universities shall be paid
3 out of the state treasury and distributed by the state treasurer to
4 the respective institutions in 11 equal monthly installments on the
5 sixteenth of each month, or the next succeeding business day,
6 beginning with October 16, ~~2018~~—**2019**. Except for Wayne State
7 University, each institution shall accrue its July and August ~~2019~~
8 **2020** payments to its institutional fiscal year ending June 30,
9 ~~2019~~—**2020**.

10 (2) All public universities shall submit higher education
11 institutional data inventory (HEIDI) data and associated financial
12 and program information requested by and in a manner prescribed by
13 the state budget director. For public universities with fiscal
14 years ending June 30, ~~2018~~—**2019**, these data shall be submitted to
15 the state budget director by October 15, ~~2018~~—**2019**. Public
16 universities with a fiscal year ending September 30, ~~2018~~—**2019**
17 shall submit preliminary HEIDI data by November 15, ~~2018~~—**2019** and
18 final data by December 15, ~~2018~~—**2019**. If a public university fails
19 to submit HEIDI data and associated financial aid program
20 information in accordance with this reporting schedule, the state
21 treasurer may withhold the monthly installments under subsection
22 (1) to the public university until those data are submitted.

23 Sec. 245. (1) A public university shall maintain a public
24 transparency website available through a link on its website
25 homepage. The public university shall update this website within 30
26 days after the university's governing board adopts its annual
27 operating budget for the next academic year, or after the governing

1 board adopts a subsequent revision to that budget.

2 (2) The website required under subsection (1) shall include
3 all of the following concerning the public university:

4 (a) The annual operating budget and subsequent budget
5 revisions.

6 (b) A summary of current expenditures for the most recent
7 fiscal year for which they are available, expressed as pie charts
8 in the following 2 categories:

9 (i) A chart of personnel expenditures, broken into the
10 following subcategories:

11 (A) Earnings and wages.

12 (B) Employee benefit costs, including, but not limited to,
13 medical, dental, vision, life, disability, and long-term care
14 benefits.

15 (C) Retirement benefit costs.

16 (D) All other personnel costs.

17 (ii) A chart of all current expenditures the public university
18 reported as part of its higher education institutional data
19 inventory data under section 241(2), broken into the same
20 subcategories in which it reported those data.

21 (c) Links to all of the following for the public university:

22 (i) The current collective bargaining agreement for each
23 bargaining unit.

24 (ii) Each health care benefits plan, including, but not
25 limited to, medical, dental, vision, disability, long-term care, or
26 any other type of benefits that would constitute health care
27 services, offered to any bargaining unit or employee of the public

1 university.

2 (iii) Audits and financial reports for the most recent fiscal
3 year for which they are available.

4 (d) A list of all positions funded partially or wholly through
5 institutional general fund revenue that includes the position title
6 and annual salary or wage amount for each position.

7 (e) General fund revenue and expenditure projections for the
8 current fiscal year and the next fiscal year.

9 (f) A listing of all debt service obligations, detailed by
10 project, anticipated fiscal year payment for each project, and
11 total outstanding debt for the current fiscal year.

12 (g) The institution's policy regarding the transferability of
13 core college courses between community colleges and the university.

14 (h) A listing of all community colleges that have entered into
15 reverse transfer agreements with the university.

16 (3) On the website required under subsection (1), a public
17 university shall provide a dashboard or report card demonstrating
18 the university's performance in several "best practice" measures.
19 The dashboard or report card shall include at least all of the
20 following for the 3 most recent academic years for which the data
21 are available:

22 (a) Enrollment.

23 (b) Student retention rate.

24 (c) Six-year graduation rates.

25 (d) Number of Pell grant recipients and graduating Pell grant
26 recipients.

27 (e) Geographic origination of students, categorized as in-

1 state, out-of-state, and international.

2 (f) Faculty to student ratios and total university employee to
3 student ratios.

4 (g) Teaching load by faculty classification.

5 (h) Graduation outcome rates, including employment and
6 continuing education.

7 (4) For statewide consistency and public visibility, public
8 universities must use the icon badge provided by the department of
9 technology, management, and budget consistent with the icon badge
10 developed by the department of education for K-12 school districts.
11 It must appear on the front of each public university's homepage.
12 The size of the icon may be reduced to 150 x 150 pixels. The font
13 size and style for this reporting must be consistent with other
14 documents on each university's website.

15 (5) The state budget director shall determine whether a public
16 university has complied with this section. The state budget
17 director may withhold a public university's monthly installments
18 described in section 241 until the public university complies with
19 this section.

20 (6) By **THE FIRST BUSINESS DAY OF** November ~~15~~ of each year, a
21 public university shall report the following information to the
22 center and post the information on its website under the budget
23 transparency icon badge:

24 (a) Opportunities for earning college credit through the
25 following programs:

26 (i) State approved career and technical education or a tech
27 prep articulated program of study.

1 (ii) Direct college credit or concurrent enrollment.

2 (iii) Dual enrollment.

3 (iv) An early college/middle college program.

4 (b) For each program described in subdivision (a) that the
5 public university offers, all of the following information:

6 (i) The number of high school students participating in the
7 program.

8 (ii) The number of school districts that participate in the
9 program with the public university.

10 (iii) Whether a university professor, qualified local school
11 district employee, or other individual teaches the course or
12 courses in the program.

13 (iv) The total cost to the public university to operate the
14 program.

15 (v) The cost per credit hour for the course or courses in the
16 program.

17 (vi) The location where the course or courses in the program
18 are held.

19 (vii) Instructional resources offered to the program
20 instructors.

21 (viii) Resources offered to the student in the program.

22 (ix) Transportation services provided to students in the
23 program.

24 Sec. 251. (1) Payments of the amounts included in section 236
25 for the state competitive scholarship program shall be distributed
26 pursuant to 1964 PA 208, MCL 390.971 to 390.981.

27 (2) Pursuant to section 6 of 1964 PA 208, MCL 390.976, the

1 department of treasury shall determine an actual maximum state
2 competitive scholarship award per student, which shall be not less
3 than \$1,000.00, that ensures that the aggregate payments for the
4 state competitive scholarship program do not exceed the
5 appropriation contained in section 236 for the state competitive
6 scholarship program. If the department determines that insufficient
7 funds are available to establish a maximum award amount equal to at
8 least \$1,000.00, the department shall immediately report to the
9 house and senate appropriations subcommittees on higher education,
10 the house and senate fiscal agencies, and the state budget director
11 regarding the estimated amount of additional funds necessary to
12 establish a \$1,000.00 maximum award amount.

13 (3) The department of treasury shall implement a proportional
14 competitive scholarship maximum award level for recipients enrolled
15 less than full-time in a given semester or term.

16 (4) If a student who receives an award under this section has
17 his or her tuition and fees paid under the Michigan educational
18 trust program, pursuant to the Michigan education trust act, 1986
19 PA 316, MCL 390.1421 to 390.1442, and still has financial need, the
20 funds awarded under this section may be used for educational
21 expenses other than tuition and fees.

22 (5) If the department of treasury increases the maximum award
23 per eligible student from that provided in the previous fiscal
24 year, it shall not have the effect of reducing the number of
25 eligible students receiving awards in relation to the total number
26 of eligible applicants. Any increase in the maximum grant shall be
27 proportional for all eligible students receiving awards.

1 (6) Veterans Administration benefits shall not be considered
2 in determining eligibility for the award of scholarships under 1964
3 PA 208, MCL 390.971 to 390.981.

4 (7) Any unexpended and unencumbered funds remaining on
5 September 30, ~~2019-2020~~ from the amounts appropriated in section
6 236 for the state competitive scholarship program for fiscal year
7 ~~2018-2019-2019-2020~~ do not lapse on September 30, ~~2019, 2020~~, but
8 continue to be available for the expenditure for state competitive
9 scholarships provided in the ~~2019-2020-2020-2021~~ fiscal year under
10 a work project account. The use of these unexpended fiscal year
11 ~~2018-2019-2019-2020~~ funds terminates at the end of the ~~2019-2020~~
12 ~~2020-2021~~ fiscal year.

13 Sec. 252. (1) The amounts appropriated in section 236 for the
14 state tuition grant program shall be distributed pursuant to 1966
15 PA 313, MCL 390.991 to 390.997a.

16 (2) Tuition grant awards shall be made to all eligible
17 Michigan residents enrolled in undergraduate degree programs who
18 are qualified and who apply ~~before~~ **BY** March 1 of each year for the
19 next academic year.

20 (3) Pursuant to section 5 of 1966 PA 313, MCL 390.995, and
21 subject to subsections (7) and (8), the department of treasury
22 shall determine an actual maximum tuition grant award per student,
23 which shall be no less than ~~\$2,400.00,~~ **\$2,500.00**, that ensures that
24 the aggregate payments for the tuition grant program do not exceed
25 the appropriation contained in section 236 for the state tuition
26 grant program. If the department determines that insufficient funds
27 are available to establish a maximum award amount equal to at least

1 ~~\$2,400.00~~, **\$2,500.00**, the department shall immediately report to
2 the house and senate appropriations subcommittees on higher
3 education, the house and senate fiscal agencies, and the state
4 budget director regarding the estimated amount of additional funds
5 necessary to establish a ~~\$2,400.00~~ **\$2,500.00** maximum award amount.
6 If the department determines that sufficient funds are available to
7 establish a maximum award amount equal to at least ~~\$2,400.00~~,
8 **\$2,500.00**, the department shall immediately report to the house and
9 senate appropriations subcommittees on higher education, the house
10 and senate fiscal agencies, and the state budget director regarding
11 the maximum award amount established and the projected amount of
12 any projected year-end appropriation balance based on that maximum
13 award amount. By February 18 of each fiscal year, the department
14 shall analyze the status of award commitments, shall make any
15 necessary adjustments, and shall confirm that those award
16 commitments will not exceed the appropriation contained in section
17 236 for the tuition grant program. The determination and actions
18 shall be reported to the state budget director and the house and
19 senate fiscal agencies no later than the final day of February of
20 each year. If award adjustments are necessary, the students shall
21 be notified of the adjustment by March 4 of each year.

22 (4) Any unexpended and unencumbered funds remaining on
23 September 30, ~~2019-2020~~ from the amounts appropriated in section
24 236 for the tuition grant program for fiscal year ~~2018-2019-2019-~~
25 **2020** do not lapse on September 30, ~~2019-2020~~, but continue to be
26 available for expenditure for tuition grants provided in the ~~2019-~~
27 ~~2020-2020-2021~~ fiscal year under a work project account.

1 (5) The department of treasury shall continue a proportional
2 tuition grant maximum award level for recipients enrolled less than
3 full-time in a given semester or term.

4 (6) If the department of treasury increases the maximum award
5 per eligible student from that provided in the previous fiscal
6 year, it shall not have the effect of reducing the number of
7 eligible students receiving awards in relation to the total number
8 of eligible applicants. Any increase in the maximum grant shall be
9 proportional for all eligible students receiving awards for that
10 fiscal year.

11 (7) Except as provided in subsection (4), the department of
12 treasury shall not award more than ~~\$4,200,000.00~~ **\$4,600,000.00** in
13 tuition grants to eligible students enrolled in the same
14 independent nonprofit college or university in this state. Any
15 decrease in the maximum grant shall be proportional for all
16 eligible students enrolled in that college or university, as
17 determined by the department. The limit described in this
18 subsection does not apply to any other student financial aid
19 program or in combination with any other student financial aid
20 program.

21 (8) The department of treasury shall not award tuition grants
22 to otherwise eligible students enrolled in an independent college
23 or university that does not report, in a form and manner directed
24 by and satisfactory to the department of treasury, by October 31 of
25 each year, all of the following:

26 (a) The number of students in the most recently completed
27 academic year who in any academic year received a state tuition

1 grant at the reporting institution and successfully completed a
2 program or graduated.

3 (b) The number of students in the most recently completed
4 academic year who in any academic year received a state tuition
5 grant at the reporting institution and took a remedial education
6 class.

7 (c) The number of students in the most recently completed
8 academic year who in any academic year received a Pell grant at the
9 reporting institution and successfully completed a program or
10 graduated.

11 (9) By February 1, ~~2019~~, **2020**, each independent college and
12 university participating in the tuition grant program shall report
13 to the senate and house appropriations subcommittees on higher
14 education, the senate and house fiscal agencies, and the state
15 budget director on its efforts to develop and implement sexual
16 assault response training for the institution's title IX
17 coordinator, campus law enforcement personnel, campus public safety
18 personnel, and any other campus personnel charged with responding
19 to on-campus incidents, including information on sexual assault
20 response training materials and the status of implementing sexual
21 assault response training for institutional personnel.

22 Sec. 256. (1) The funds appropriated in section 236 for the
23 tuition incentive program shall be distributed as provided in this
24 section and pursuant to the administrative procedures for the
25 tuition incentive program of the department of treasury.

26 (2) As used in this section:

27 (a) "Phase I" means the first part of the tuition incentive

1 program defined as the academic period of 80 semester or 120 term
2 credits, or less, leading to an associate degree or certificate.
3 Students must be enrolled in a certificate or associate degree
4 program and taking classes within the program of study for a
5 certificate or associate degree. Tuition will not be covered for
6 courses outside of a certificate or associate degree program.

7 (b) "Phase II" means the second part of the tuition incentive
8 program which provides assistance in the third and fourth year of
9 4-year degree programs.

10 (c) "Department" means the department of treasury.

11 (d) "High school equivalency certificate" means that term as
12 defined in section 4.

13 (3) An individual shall meet the following basic criteria and
14 financial thresholds to be eligible for tuition incentive program
15 benefits:

16 (a) To be eligible for phase I, an individual shall meet all
17 of the following criteria:

18 (i) Apply for certification to the department any time after
19 he or she begins the sixth grade but before August 31 of the school
20 year in which he or she graduates from high school or before
21 achieving a high school equivalency certificate.

22 (ii) Be less than 20 years of age at the time he or she
23 graduates from high school with a diploma or certificate of
24 completion or achieves a high school equivalency certificate or,
25 for students attending a 5-year middle college approved by the
26 Michigan department of education, be less than 21 years of age when
27 he or she graduates from high school.

1 (iii) Be a United States citizen and a resident of this state
2 according to institutional criteria.

3 (iv) Be at least a half-time student, earning less than 80
4 semester or 120 term credits at a participating educational
5 institution within 4 years of high school graduation or achievement
6 of a high school equivalency certificate. All program eligibility
7 expires 6 years from high school graduation or achievement of a
8 high school equivalency certificate.

9 (v) Meet the satisfactory academic progress policy of the
10 educational institution he or she attends.

11 (b) To be eligible for phase II, an individual shall meet
12 either of the following criteria in addition to the criteria in
13 subdivision (a):

14 (i) Complete at least 56 transferable semester or 84
15 transferable term credits.

16 (ii) Obtain an associate degree or certificate at a
17 participating institution.

18 (c) To be eligible for phase I or phase II, an individual must
19 not be incarcerated and must be financially eligible as determined
20 by the department. An individual is financially eligible for the
21 tuition incentive program if he or she was eligible for Medicaid
22 from this state for 24 months within the 36 consecutive months
23 before application. The department shall accept certification of
24 Medicaid eligibility only from the department of health and human
25 services for the purposes of verifying if a person is Medicaid
26 eligible for 24 months within the 36 consecutive months before
27 application. Certification of eligibility may begin in the sixth

1 grade. As used in this subdivision, "incarcerated" does not include
2 detention of a juvenile in a state-operated or privately operated
3 juvenile detention facility.

4 (4) For phase I, the department shall provide payment on
5 behalf of a person eligible under subsection (3). The department
6 shall only accept standard per-credit hour tuition billings and
7 shall reject billings that are excessive or outside the guidelines
8 for the type of educational institution.

9 (5) For phase I, all of the following apply:

10 (a) Payments for associate degree or certificate programs
11 shall not be made for more than 80 semester or 120 term credits for
12 any individual student at any participating institution.

13 (b) For persons enrolled at a Michigan community college, the
14 department shall pay the current in-district tuition and mandatory
15 fees. For persons residing in an area that is not included in any
16 community college district, the out-of-district tuition rate may be
17 authorized.

18 (c) For persons enrolled at a Michigan public university, the
19 department shall pay lower division resident tuition and mandatory
20 fees for the current year.

21 (d) For persons enrolled at a Michigan independent, nonprofit
22 degree-granting college or university, or a Michigan federal
23 tribally controlled community college, or Focus: HOPE, the
24 department shall pay mandatory fees for the current year and a per-
25 credit payment that does not exceed the average community college
26 in-district per-credit tuition rate as reported on August 1, for
27 the immediately preceding academic year.

1 (6) A person participating in phase II may be eligible for
2 additional funds not to exceed \$500.00 per semester or \$400.00 per
3 term up to a maximum of \$2,000.00 subject to the following
4 conditions:

5 (a) Credits are earned in a 4-year program at a Michigan
6 degree-granting 4-year college or university.

7 (b) The tuition reimbursement is for coursework completed
8 within 30 months of completion of the phase I requirements.

9 (7) The department shall work closely with participating
10 institutions to develop an application and eligibility
11 determination process that will provide the highest level of
12 participation and ensure that all requirements of the program are
13 met.

14 (8) Applications for the tuition incentive program may be
15 approved at any time after the student begins the sixth grade. If a
16 determination of financial eligibility is made, that determination
17 is valid as long as the student meets all other program
18 requirements and conditions.

19 (9) Each institution shall ensure that all known available
20 restricted grants for tuition and fees are used prior to billing
21 the tuition incentive program for any portion of a student's
22 tuition and fees.

23 (10) The department shall ensure that the tuition incentive
24 program is well publicized and that eligible Medicaid clients are
25 provided information on the program. The department shall provide
26 the necessary funding and staff to fully operate the program.

27 (11) Any unexpended and unencumbered funds remaining on

1 September 30, ~~2019-2020~~ from the amounts appropriated in section
2 236 for the tuition incentive program for fiscal year ~~2018-2019~~
3 ~~2019-2020~~ do not lapse on September 30, ~~2019,~~~~2020~~, but continue to
4 be available for expenditure for tuition incentive program funds
5 provided in the ~~2019-2020-2020-2021~~ fiscal year under a work
6 project account. The use of these unexpended fiscal year ~~2018-2019~~
7 ~~2019-2020~~ funds terminates at the end of the ~~2019-2020-2020-2021~~
8 fiscal year.

9 (12) The department of treasury shall collaborate with the
10 center to use the P-20 longitudinal data system to report the
11 following information for each qualified postsecondary institution:

12 (a) The number of phase I students in the most recently
13 completed academic year who in any academic year received a tuition
14 incentive program award and who successfully completed a degree or
15 certificate program. Cohort graduation rates for phase I students
16 shall be calculated using the established success rate methodology
17 developed by the center in collaboration with the postsecondary
18 institutions.

19 (b) The number of students in the most recently completed
20 academic year who in any academic year received a Pell grant at the
21 reporting institution and who successfully completed a degree or
22 certificate program. Cohort graduation rates for students who
23 received Pell grants shall be calculated using the established
24 success rate methodology developed by the center in collaboration
25 with the postsecondary institutions.

26 (13) If a qualified postsecondary institution does not report
27 the data necessary to comply with subsection (12) to the P-20

1 longitudinal data system, the institution shall report, in a form
2 and manner satisfactory to the department of treasury and the
3 center, all of the information needed to comply with subsection
4 (12) by December 1, ~~2019-2020~~.

5 (14) Beginning in fiscal year 2019-2020, if a qualified
6 postsecondary institution does not report the data necessary to
7 complete the reporting in subsection (12) to the P-20 longitudinal
8 data system by October 15 for the prior academic year, the
9 department of treasury shall not award phase I tuition incentive
10 program funding to otherwise eligible students enrolled in that
11 institution until the data are submitted.

12 Sec. 263. (1) Included in the appropriation in section 236 for
13 fiscal year ~~2018-2019-2019-2020~~ for MSU AgBioResearch is
14 \$2,982,900.00 and included in the appropriation in section 236 for
15 MSU Extension is \$2,645,200.00 for Project GREEN. Project GREEN
16 is intended to address critical regulatory, food safety, economic,
17 and environmental problems faced by this state's plant-based
18 agriculture, forestry, and processing industries. "GREEN" is an
19 acronym for Generating Research and Extension to Meet Environmental
20 and Economic Needs.

21 (2) The department of agriculture and rural development and
22 Michigan State University, in consultation with agricultural
23 commodity groups and other interested parties, shall develop
24 Project GREEN and its program priorities.

25 Sec. 264. Included in the appropriation in section 236 for
26 fiscal year ~~2018-2019-2019-2020~~ for Michigan State University is
27 \$80,000.00 for the Michigan Future Farmers of America Association.

1 This \$80,000.00 allocation shall not supplant any existing support
2 that Michigan State University provides to the Michigan Future
3 Farmers of America Association.

4 Sec. 265. (1) Payments under section 265a for performance
5 funding for fiscal years ~~2018-2019~~, 2019-2020, ~~and 2020-2021~~, **2021-**
6 **2022** shall only be made to a public university that certifies to
7 the state budget director by August 31, ~~2018-2019~~ that its board
8 did not adopt an increase in tuition and fee rates for resident
9 undergraduate students after September 1, ~~2017-2018~~ for the ~~2017-~~
10 ~~2018-2018-2019~~ academic year and that its board will not adopt an
11 increase in tuition and fee rates for resident undergraduate
12 students for the ~~2018-2019-2019-2020~~ academic year that is greater
13 than ~~3.8%~~ **4.4%** or ~~\$490.00~~, **\$587.00**, whichever is greater. As used
14 in this subsection:

15 (a) "Fee" means any board-authorized fee that will be paid by
16 more than 1/2 of all resident undergraduate students at least once
17 during their enrollment at a public university, as described in the
18 higher education institutional data inventory (HEIDI) user manual.
19 A university increasing a fee that applies to a specific subset of
20 students or courses shall provide sufficient information to prove
21 that the increase applied to that subset will not cause the
22 increase in the average amount of board-authorized total tuition
23 and fees paid by resident undergraduate students in the ~~2018-2019~~
24 **2019-2020** academic year to exceed the limit established in this
25 subsection.

26 (b) "Tuition and fee rate" means the average of full-time
27 rates paid by a majority of students in each undergraduate class,

1 based on an unweighted average of the rates authorized by the
2 university board and actually charged to students, deducting any
3 uniformly rebated or refunded amounts, for the 2 semesters with the
4 highest levels of full-time equated resident undergraduate
5 enrollment during the academic year, as described in the higher
6 education institutional data inventory (HEIDI) user manual.

7 (2) The state budget director shall implement uniform
8 reporting requirements to ensure that a public university receiving
9 a payment under section 265a for performance funding has satisfied
10 the tuition restraint requirements of this section. The state
11 budget director shall have the sole authority to determine if a
12 public university has met the requirements of this section.

13 Information reported by a public university to the state budget
14 director under this subsection shall also be reported to the house
15 and senate appropriations subcommittees on higher education and the
16 house and senate fiscal agencies.

17 (3) Universities that exceed the tuition and fee rate cap
18 described in subsection (1) shall not receive a planning or
19 construction authorization for a state-funded capital outlay
20 project in ~~fiscal year 2019-2020, fiscal year 2020-2021, or fiscal~~
21 ~~year 2021-2022, OR 2022-2023.~~

22 ~~—— (4) Notwithstanding any other provision of this act, the~~
23 ~~legislature may at any time adjust appropriations for a university~~
24 ~~that adopts an increase in tuition and fee rates for resident~~
25 ~~undergraduate students that exceeds the rate cap established in~~
26 ~~subsection (1).~~

27 Sec. 265a. (1) Appropriations to public universities in

1 section 236 for fiscal years ~~2018-2019~~, 2019-2020, and ~~2020-2021~~,
2 **AND 2021-2022** for performance funding shall be paid only to a
3 public university that complies with section 265 and certifies to
4 the state budget director, the house and senate appropriations
5 subcommittees on higher education, and the house and senate fiscal
6 agencies by August 31, ~~2018-2019~~ that it complies with all of the
7 following requirements:

8 (a) The university participates in reverse transfer agreements
9 described in section 286 with at least 3 Michigan community
10 colleges.

11 (b) The university does not and will not consider whether dual
12 enrollment credits earned by an incoming student were utilized
13 towards his or her high school graduation requirements when making
14 a determination as to whether those credits may be used by the
15 student toward completion of a university degree or certificate
16 program.

17 (c) The university actively participates in and submits timely
18 updates to the Michigan Transfer Network created as part of the
19 Michigan Association of Collegiate Registrars and Admissions
20 Officers transfer agreement.

21 (2) Any performance funding amounts under section 236 that are
22 not paid to a public university because it did not comply with 1 or
23 more requirements under subsection (1) are unappropriated and
24 reappropriated for performance funding to those public universities
25 that meet the requirements under subsection (1), distributed in
26 proportion to their performance funding appropriation amounts under
27 section 236.

1 (3) The state budget director shall report to the house and
2 senate appropriations subcommittees on higher education and the
3 house and senate fiscal agencies by September 30, ~~2018~~, **2019**,
4 regarding any performance funding amounts that are not paid to a
5 public university because it did not comply with 1 or more
6 requirements under subsection (1) and any reappropriation of funds
7 under subsection (2).

8 (4) Performance funding amounts described in section 236 are
9 distributed based on the following formula:

10 (a) Proportional to each university's share of total
11 operations funding appropriated in fiscal year 2010-2011, 50%.

12 (b) Based on weighted undergraduate completions in critical
13 skills areas, 11.1%.

14 (c) Based on research and development expenditures, for
15 universities classified in Carnegie classifications as doctoral
16 universities: moderate research activity, doctoral universities:
17 higher research activity, or doctoral universities: highest
18 research activity only, 5.6%.

19 (d) Based on 6-year graduation rate, total degree completions,
20 and institutional support as a percentage of core expenditures, and
21 the percentage of students receiving Pell grants, scored against
22 national Carnegie classification peers and weighted by total
23 undergraduate fiscal year equated students, 33.3%.

24 (5) For purposes of determining the score of a university
25 under subsection (4)(d), each university is assigned 1 of the
26 following scores:

27 (a) A university classified as in the top 20%, a score of 3.

1 (b) A university classified as above national median, a score
2 of 2.

3 (c) A university classified as improving, a score of 2. It is
4 the intent of the legislature that, beginning in the ~~2019-2020~~
5 **2020-2021** state fiscal year, a university classified as improving
6 is assigned a score of 1.

7 (d) A university that is not included in subdivision (a), (b),
8 or (c), a score of 0.

9 (6) As used in this section, "Carnegie classification" means
10 the basic classification of the university according to the most
11 recent version of the Carnegie classification of institutions of
12 higher education, published by the Carnegie Foundation for the
13 Advancement of Teaching.

14 (7) It is the intent of the legislature to allocate more
15 funding based on **AN UPDATED SET OF** performance metrics in future
16 years.

17 Sec. 265b. (1) Appropriations to public universities in
18 section 236 for the fiscal year ending September 30, ~~2019-2020~~ for
19 operations funding shall be reduced by 10% pursuant to the
20 procedures described in subdivision (a) for a public university
21 that fails to submit certification to the state budget director,
22 the house and senate appropriations subcommittees on higher
23 education, and the house and senate fiscal agencies by August 31,
24 ~~2018-2019~~ that the university complies with sections 274c and 274d
25 and that it complies with all of the requirements described in
26 subdivisions (b) to (i), as follows:

27 (a) If a university fails to submit certification, the state

1 budget director shall withhold 10% of that university's annual
2 operations funding until the university submits certification. If a
3 university fails to submit certification by the end of the fiscal
4 year, the 10% of its annual operations funding that is withheld
5 shall lapse to the general fund.

6 (b) For title IX investigations of alleged sexual misconduct,
7 the university prohibits the use of medical experts that have an
8 actual or apparent conflict of interest.

9 (c) For title IX investigations of alleged sexual misconduct,
10 the university prohibits the issuance of divergent reports to
11 complainants, respondents, and administration and instead requires
12 that identical reports be issued to them.

13 (d) Consistent with the university's obligations under 20 USC
14 1092(f), the university notifies each individual who reports having
15 experienced sexual assault by a student, faculty member, or staff
16 member of the university that the individual has the option to
17 report the matter to law enforcement, to the university, to both,
18 or to neither, as the individual may choose.

19 (e) The university provides both of the following:

20 (i) For all freshmen and incoming transfer students enrolled,
21 an in-person sexual misconduct prevention presentation or course,
22 which must include contact information for the title IX office of
23 the university.

24 (ii) For all students not considered freshmen or incoming
25 transfer students, an online or electronic sexual misconduct
26 prevention presentation or course.

27 (f) The university prohibits seeking compensation from the

1 recipient of any medical procedure, treatment, or care provided by
2 a medical professional who has been convicted of a felony arising
3 out of the medical procedure, treatment, or care.

4 (g) The university ~~has or plans to have~~ **HAD** a third party
5 review its title IX compliance office and related policies and
6 procedures by the end of the 2018-2019 academic year. A copy of the
7 third-party review shall be transmitted to the state budget
8 director, the house and senate appropriations subcommittees on
9 higher education, and the house and senate fiscal agencies. After
10 the third-party review has been conducted for the 2018-2019
11 academic year, the university shall have a third-party review once
12 every three years and a copy of the third-party review shall be
13 transmitted to the state budget director, the house and senate
14 appropriations subcommittees on higher education, and the house and
15 senate fiscal agencies.

16 (h) The university requires that the governing board and the
17 president or chancellor of the university receive not less than
18 quarterly reports from their title IX coordinator or title IX
19 office. The report shall contain aggregated data of the number of
20 sexual misconduct reports that the office received for the academic
21 year, the types of reports received, including reports received
22 against employees, and a summary of the general outcomes of the
23 reports and investigations. A member of the governing board may
24 request to review a title IX investigation report involving a
25 complaint against an employee, and the university shall provide the
26 report in a manner it considers appropriate. The university shall
27 protect the complainant's anonymity, and the report shall not

1 contain specific identifying information.

2 (i) If allegations against an employee are made in more than 1
3 title IX complaint that resulted in the university finding that no
4 misconduct occurred, the university requires that the title IX
5 officer promptly notify the president or chancellor and a member of
6 the university's governing board in writing and take all
7 appropriate steps to ensure that the matter is being investigated
8 thoroughly, including hiring an outside investigator for future
9 cases involving that employee. A third-party title IX investigation
10 under this subdivision does not prohibit the university from
11 simultaneously conducting its own title IX investigation through
12 its own title IX coordinator.

13 (2) Each public university that receives an appropriation in
14 section 236 shall also certify that its president or chancellor and
15 a member of its governing board has reviewed all title IX reports
16 involving the alleged sexual misconduct of an employee of the
17 university, and shall send the certification to the house and
18 senate appropriations subcommittees on higher education, the house
19 and senate fiscal agencies, and the state budget director by August
20 31, ~~2018~~-2019.

21 (3) For purposes of this section, "sexual misconduct"
22 includes, but is not limited to, any of the following:

- 23 (a) Intimate partner violence.
24 (b) Nonconsensual sexual conduct.
25 (c) Sexual assault.
26 (d) Sexual exploitation.
27 (e) Sexual harassment.

1 (f) Stalking.

2 Sec. 265c. By February 1, ~~2019~~, **2020**, the Michigan Community
3 College Association, the Michigan Association of State
4 Universities, and the Michigan Independent Colleges and
5 Universities, on behalf of their member colleges and universities,
6 shall submit to the senate and house appropriations subcommittees
7 on higher education, the senate and house appropriations
8 subcommittees on community colleges, the senate and house fiscal
9 agencies, and the state budget director a comprehensive report
10 detailing the number of academic program partnerships between
11 public community colleges, public universities, and private
12 colleges and universities, including, but not limited to, the
13 following information:

14 (a) The names of the baccalaureate degree programs of study
15 offered by public and private universities on community college
16 campuses.

17 (b) The names of the articulation agreements for baccalaureate
18 degree programs of study between public community colleges, public
19 universities, and private colleges and universities.

20 (c) The number of students enrolled and number of degrees
21 awarded through articulation agreements, and the number of courses
22 offered, number of students enrolled, and number of degrees awarded
23 through on-campus programs named in subdivision (a) from July 1,
24 ~~2017-2018~~ through June 30, ~~2018-2019~~.

25 Sec. 265d. ~~The legislature encourages each~~ **EACH** public
26 university that receives an appropriation in section 236 **IS**
27 **ENCOURAGED** to enter into a memorandum of understanding with at

1 least 1 local law enforcement agency with jurisdiction on or around
2 campus for the communication and coordination of responses to
3 incidents of sexual assault.

4 Sec. 267. All public universities shall submit the amount of
5 tuition and fees actually charged to a full-time resident
6 undergraduate student for academic year ~~2018-2019~~**2019-2020** as part
7 of their higher education institutional data inventory (HEIDI) data
8 by August 31 of each year. A public university shall report any
9 revisions for any semester of the reported academic year ~~2018-2019~~
10 **2019-2020** tuition and fee charges to HEIDI within 15 days of being
11 adopted.

12 Sec. 268. (1) For the fiscal year ending September 30, ~~2019,~~
13 **2020**, it is the intent of the legislature that funds be allocated
14 for unfunded North American Indian tuition waiver costs incurred by
15 public universities under 1976 PA 174, MCL 390.1251 to 390.1253,
16 from the general fund.

17 (2) Appropriations in section 236(7)(f) for North American
18 Indian tuition waivers shall be paid to universities under section
19 2a of 1976 PA 174, MCL 390.1252a. Allocations shall be adjusted for
20 amounts included in university operations appropriations. If funds
21 are insufficient to support the entire cost of waivers, amounts
22 shall be prorated proportionate to each institution's shortfall as
23 a percentage of its fiscal year ~~2018-2019~~**2019-2020** state
24 appropriation for operations.

25 (3) By February 15 of each year, the department of civil
26 rights shall annually submit to the state budget director, the
27 house and senate appropriations subcommittees on higher education,

1 and the house and senate fiscal agencies a report on North American
2 Indian tuition waivers for the preceding academic year that
3 includes, but is not limited to, all of the following information:

4 (a) The number of waiver applications received and the number
5 of waiver applications approved.

6 (b) For each university submitting information under
7 subsection (4), all of the following:

8 (i) The number of graduate and undergraduate North American
9 Indian students enrolled each term for the previous academic year.

10 (ii) The number of North American Indian waivers granted each
11 term, including to continuing education students, and the monetary
12 value of the waivers for the previous academic year.

13 (iii) The number of graduate and undergraduate students
14 attending under a North American Indian tuition waiver who withdrew
15 from the university each term during the previous academic year.
16 For purposes of this subparagraph, a withdrawal occurs when a
17 student who has been awarded the waiver withdraws from the
18 institution at any point during the term, regardless of enrollment
19 in subsequent terms.

20 (iv) The number of graduate and undergraduate students
21 attending under a North American Indian tuition waiver who
22 successfully complete a degree or certificate program, separated by
23 degree or certificate level, and the graduation rate for graduate
24 and undergraduate students attending under a North American Indian
25 tuition waiver who complete a degree or certificate within 150% of
26 the normal time to complete, separated by the level of the degree
27 or certificate.

1 (4) A public university that receives funds under section 236
2 shall provide to the department of civil rights any information
3 necessary for preparing the report detailed in subsection (3),
4 using guidelines and procedures developed by the department of
5 civil rights.

6 (5) The department of civil rights may consolidate the report
7 required under this section with the report required under section
8 223, but a consolidated report must separately identify data for
9 universities and data for community colleges.

10 Sec. 269. For fiscal year ~~2018-2019~~, **2019-2020**, from the
11 amount appropriated in section 236 to Central Michigan University
12 for operations, \$29,700.00 shall be paid to Saginaw Chippewa Tribal
13 College for the costs of waiving tuition for North American Indians
14 under 1976 PA 174, MCL 390.1251 to 390.1253.

15 Sec. 270. For fiscal year ~~2018-2019~~, **2019-2020**, from the
16 amount appropriated in section 236 to Lake Superior State
17 University for operations, \$100,000.00 shall be paid to Bay Mills
18 Community College for the costs of waiving tuition for North
19 American Indians under 1976 PA 174, MCL 390.1251 to 390.1253.

20 Sec. 274. It is the intent of the legislature that public and
21 private organizations that conduct human embryonic stem cell
22 derivation subject to section 27 of article I of the state
23 constitution of 1963 will provide information to the director of
24 the department of health and human services by December 1, ~~2018~~
25 **2019** that includes all of the following:

26 (a) Documentation that the organization conducting human
27 embryonic stem cell derivation is conducting its activities in

1 compliance with the requirements of section 27 of article I of the
2 state constitution of 1963 and all relevant National Institutes of
3 Health guidelines pertaining to embryonic stem cell derivation.

4 (b) A list of all human embryonic stem cell lines submitted by
5 the organization to the National Institutes of Health for inclusion
6 in the Human Embryonic Stem Cell Registry before and during fiscal
7 year ~~2017-2018~~, **2018-2019**, and the status of each submission as
8 approved, pending approval, or review completed but not yet
9 accepted.

10 (c) Number of human embryonic stem cell lines derived and not
11 submitted for inclusion in the Human Embryonic Stem Cell Registry,
12 before and during fiscal year ~~2017-2018~~. **2018-2019**.

13 Sec. 274c. By February 1, ~~2019~~, **2020**, each university
14 receiving funds under section 236 shall report to the senate and
15 house appropriations subcommittees on higher education, the senate
16 and house fiscal agencies, and the state budget director on its
17 efforts to develop and implement sexual assault response training
18 for the university's title IX coordinator, campus law enforcement
19 personnel, campus public safety personnel, and any other campus
20 personnel charged with responding to on-campus incidents, including
21 information on sexual assault response training materials and the
22 status of implementing sexual assault response training for campus
23 personnel.

24 **SEC. 275D. THE LEGISLATURE URGES EACH UNIVERSITY THAT RECEIVES**
25 **AN APPROPRIATION IN SECTION 236 TO NOT TAKE DISCIPLINARY ACTION**
26 **AGAINST AN EMPLOYEE FOR COMMUNICATING WITH A MEMBER OF THE**
27 **LEGISLATURE OR A LEGISLATOR'S STAFF.**

1 Sec. 276. (1) Included in the appropriation for fiscal year
2 ~~2018-2019-2019-2020~~ for each public university in section 236 is
3 funding for the Martin Luther King, Jr. - Cesar Chavez - Rosa Parks
4 future faculty program that is intended to increase the pool of
5 academically or economically disadvantaged candidates pursuing
6 faculty teaching careers in postsecondary education. Preference may
7 not be given to applicants on the basis of race, color, ethnicity,
8 gender, or national origin. Institutions should encourage
9 applications from applicants who would otherwise not adequately be
10 represented in the graduate student and faculty populations. Each
11 public university shall apply the percentage change applicable to
12 every public university in the calculation of appropriations in
13 section 236 to the amount of funds allocated to the future faculty
14 program.

15 (2) The program shall be administered by each public
16 university in a manner prescribed by the workforce development
17 agency. The workforce development agency shall use a good faith
18 effort standard to evaluate whether a fellowship is in default.

19 Sec. 277. (1) Included in the appropriation for fiscal year
20 ~~2018-2019-2019-2020~~ for each public university in section 236 is
21 funding for the Martin Luther King, Jr. - Cesar Chavez - Rosa Parks
22 college day program that is intended to introduce academically or
23 economically disadvantaged schoolchildren to the potential of a
24 college education. Preference may not be given to participants on
25 the basis of race, color, ethnicity, gender, or national origin.
26 Public universities should encourage participation from those who
27 would otherwise not adequately be represented in the student

1 population.

2 (2) Individual program plans of each public university shall
3 include a budget of equal contributions from this program, the
4 participating public university, the participating school district,
5 and the participating independent degree-granting college. College
6 day funds shall not be expended to cover indirect costs. Not more
7 than 20% of the university match shall be attributable to indirect
8 costs. Each public university shall apply the percentage change
9 applicable to every public university in the calculation of
10 appropriations in section 236 to the amount of funds allocated to
11 the college day program.

12 (3) The program described in this section shall be
13 administered by each public university in a manner prescribed by
14 the workforce development agency.

15 Sec. 278. (1) Included in section 236 for fiscal year ~~2018-~~
16 ~~2019-2019-2020~~ is funding for the Martin Luther King, Jr. - Cesar
17 Chavez - Rosa Parks select student support services program for
18 developing academically or economically disadvantaged student
19 retention programs for 4-year public and independent educational
20 institutions in this state. Preference may not be given to
21 participants on the basis of race, color, ethnicity, gender, or
22 national origin. Institutions should encourage participation from
23 those who would otherwise not adequately be represented in the
24 student population.

25 (2) An award made under this program to any 1 institution
26 shall not be greater than \$150,000.00, and the amount awarded shall
27 be matched on a 70% state, 30% college or university basis.

1 (3) The program described in this section shall be
2 administered by the workforce development agency.

3 Sec. 279. (1) Included in section 236 for fiscal year ~~2018-~~
4 ~~2019-2019-2020~~ is funding for the Martin Luther King, Jr. - Cesar
5 Chavez - Rosa Parks college/university partnership program between
6 4-year public and independent colleges and universities and public
7 community colleges, which is intended to increase the number of
8 academically or economically disadvantaged students who transfer
9 from community colleges into baccalaureate programs. Preference may
10 not be given to participants on the basis of race, color,
11 ethnicity, gender, or national origin. Institutions should
12 encourage participation from those who would otherwise not
13 adequately be represented in the transfer student population.

14 (2) The grants shall be made under the program described in
15 this section to Michigan public and independent colleges and
16 universities. An award to any 1 institution shall not be greater
17 than \$150,000.00, and the amount awarded shall be matched on a 70%
18 state, 30% college or university basis.

19 (3) The program described in this section shall be
20 administered by the workforce development agency.

21 Sec. 280. (1) Included in the appropriation for fiscal year
22 ~~2018-2019-2019-2020~~ for each public university in section 236 is
23 funding for the Martin Luther King, Jr. - Cesar Chavez - Rosa Parks
24 visiting professors program which is intended to increase the
25 number of instructors in the classroom to provide role models for
26 academically or economically disadvantaged students. Preference may
27 not be given to participants on the basis of race, color,

1 ethnicity, gender, or national origin. Public universities should
2 encourage participation from those who would otherwise not
3 adequately be represented in the student population.

4 (2) The program described in this section shall be
5 administered by the workforce development agency.

6 Sec. 281. (1) Included in the appropriation for fiscal year
7 ~~2018-2019-2019-2020~~ in section 236 is funding under the Martin
8 Luther King, Jr. - Cesar Chavez - Rosa Parks initiative for the
9 Morris Hood, Jr. educator development program which is intended to
10 increase the number of academically or economically disadvantaged
11 students who enroll in and complete K-12 teacher education programs
12 at the baccalaureate level. Preference may not be given to
13 participants on the basis of race, color, ethnicity, gender, or
14 national origin. Institutions should encourage participation from
15 those who would otherwise not adequately be represented in the
16 teacher education student population.

17 (2) The program described in this section shall be
18 administered by each state-approved teacher education institution
19 in a manner prescribed by the workforce development agency.

20 (3) Approved teacher education institutions may and are
21 encouraged to use student support services funding in coordination
22 with the Morris Hood, Jr. funding to achieve the goals of the
23 program described in this section.

24 Sec. 282. Each institution receiving funds for fiscal year
25 ~~2018-2019-2019-2020~~ under section 278, 279, or 281 shall provide to
26 the workforce development agency by April 15, ~~2019-2020~~ the
27 unobligated and unexpended funds as of March 31, ~~2019-2020~~ and a

1 plan to expend the remaining funds by the end of the fiscal year.
2 Notwithstanding the award limitations in sections 278 and 279, the
3 amount of funding reported as not being expended will be
4 reallocated to the institutions that intend to expend all funding
5 received under section 278, 279, or 281.

6 Sec. 289. (1) ~~Not less than~~ **AT LEAST ONCE** every 4 years, the
7 auditor general shall audit higher education institutional data
8 inventory (HEIDI) data submitted by all public universities under
9 section 241 and may perform audits of selected public universities
10 if determined necessary. The audits shall be based upon the
11 definitions, requirements, and uniform reporting categories
12 established by the state budget director in consultation with the
13 HEIDI advisory committee. The auditor general shall submit a report
14 of findings to the house and senate appropriations committees and
15 the state budget director no later than July 1 of each year an
16 audit takes place.

17 (2) Student credit hours reports shall not include the
18 following:

19 (a) Student credit hours generated through instructional
20 activity by faculty or staff in classrooms located outside
21 Michigan, with the exception of instructional activity related to
22 study-abroad programs or field programs.

23 (b) Student credit hours generated through distance learning
24 instruction for students not eligible for the public university's
25 in-state main campus resident tuition rate. However, in instances
26 where a student is enrolled in distance education and non-distance
27 education credit hours in a given term and the student's non-

1 distance education enrollment is at a campus or site located within
2 Michigan, student credit hours per the student's eligibility for
3 in-state or out-of-state tuition rates may be reported.

4 (c) Student credit hours generated through credit by
5 examination.

6 ~~— (d) Student credit hours generated through inmate prison
7 programs regardless of teaching location.~~

8 (D) ~~(e)~~ Student credit hours generated in new degree programs
9 created on or after January 1, 1975 and before January 1, 2013,
10 that were not specifically authorized for funding by the
11 legislature, except spin-off programs converted from existing core
12 programs, and student credit hours generated in any new degree
13 programs created after January 1, 2013, that are specifically
14 excluded from reporting by the legislature under this section.

15 (3) "Distance learning instruction" as used in subsection (2)
16 means instruction that occurs solely in other than a traditional
17 classroom setting where the student and instructor are in the same
18 physical location and for which a student receives course credits
19 and is charged tuition and fees. Examples of distance learning
20 instruction are instruction delivered solely through the internet,
21 cable television, teleconference, or mail.

22 Enacting section 1. In accordance with section 30 of article
23 IX of the state constitution of 1963, total state spending from
24 state sources for higher education for fiscal year 2019-2020 under
25 article III of the state school aid act of 1979, 1979 PA 94, MCL
26 388.1836 to 388.1891, is estimated at \$1,564,975,400.00 and the
27 amount of that state spending from state sources to be paid to

1 local units of government for fiscal year 2019-2020 is estimated at
2 \$0.

3 Enacting section 2. Sections 236b and 265e of the state school
4 aid act of 1979, 1979 PA 94, MCL 388.1836b and 388.1865e, are
5 repealed effective October 1, 2019.

6 Enacting section 3. This amendatory act takes effect October
7 1, 2019.