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I N   S E N A T E

May 5, 2016

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Introduced by Sen. MARCELLINO -- (at request of the State Education Department) -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law, in relation to continuing the early college high school program and the pathways in technology early college high school program in this state; and making an appropriation therefor

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Legislative intent. The legislature hereby finds and  
2 declares it necessary to preserve and continue the New York state early  
3 college high school program and the New York state pathways in technolo-  
4 gy early college high school program (P-TECH program) in this state  
5 which provide various students, including those traditionally underrep-  
6 resented in post-secondary education, with the opportunity to access  
7 college-level courses and college degree credits at the high school  
8 level with the combined support of high school and college staff and  
9 resources, and for P-TECH programs, career training and employment in a  
10 highly skilled job upon completion of the program.

11     The early college high school program not only increases students'  
12 access to higher education, but also reduces potential costs for  
13 students in completing college degrees by allowing them to either  
14 complete a degree upon graduation from high school or to apply their  
15 earned college credits towards an associate's or baccalaureate's degree.  
16 This innovative program provides incentives to high school students to  
17 proceed to college and to earn a college degree by accelerating their  
18 overall completion of a degree. It also better prepares them for  
19 college-level coursework, which, will in turn, increase their academic  
20 performance. Ultimately, this program increases graduation rates both at  
21 the high school and college levels, especially for academically at-risk  
22 students.

23     The P-TECH program, through a public-private partnership, prepares  
24 thousands of New York students for high-skill jobs of the future in  
25 technology, manufacturing, healthcare and finance. The P-TECH program  
26 provides students with a rigorous, relevant and cost-free high school  
27 and college education and a workplace learning environment with ongoing  
28 mentoring by professionals in the chosen career sector to better prepare

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 these students for successful careers. Students also receive a commit-  
2 ment from the participating employer to be first in line for consider-  
3 ation for a job following completion of the program. Ultimately, this  
4 program increases graduation rates both at the high school and college  
5 levels and provides essential career training for academically at-risk,  
6 disadvantaged students, which at the completion of the program leads  
7 these students to a skilled job.

8 The legislature hereby finds and declares it necessary to provide  
9 funding for these programs to ensure that they continue in operation and  
10 continue to provide students with these valuable services.

11 The legislature also finds and declares it necessary to provide addi-  
12 tional funding for the state education department to administer and  
13 evaluate these critical programs. These funds will support program staff  
14 to supplement the oversight already being provided to these programs,  
15 and ensure the timely and accurate analysis of data to further enhance  
16 and validate these programs.

17 S 2. The education law is amended by adding a new section 6457 to read  
18 as follows:

19 S 6457. GRANT AWARDS FOR NEW YORK STATE EARLY COLLEGE HIGH SCHOOL  
20 PROGRAMS. 1. SUBJECT TO AN APPROPRIATION, THE COMMISSIONER SHALL ALLO-  
21 CATE FUNDS AVAILABLE FOR EARLY COLLEGE HIGH SCHOOL PROGRAMS FOR THE  
22 PURPOSES OF INCREASING HIGH SCHOOL GRADUATION RATES FOR ACADEMICALLY  
23 AT-RISK, DISADVANTAGED AND/OR ECONOMICALLY DISADVANTAGED STUDENTS AND TO  
24 INCREASE THEIR PARTICIPATION IN POST-SECONDARY EDUCATION THROUGH A  
25 NETWORK OF EARLY COLLEGE HIGH SCHOOL PARTNERSHIPS IN THE STATE.

26 2. FOR THE PURPOSES OF THIS SECTION:

27 A. "APPROVED EARLY COLLEGE HIGH SCHOOL PROGRAM" MEANS A FORMAL PART-  
28 NERSHIP BETWEEN A SCHOOL DISTRICT AND AT LEAST ONE INSTITUTION OF HIGHER  
29 EDUCATION, APPROVED BY THE COMMISSIONER IN ACCORDANCE WITH THE REGU-  
30 LATIONS OF THE COMMISSIONER AND THE REQUEST FOR PROPOSALS PROCESS, WHICH  
31 PROVIDES ELIGIBLE STUDENTS ENROLLED IN SUCH PROGRAM WITH HIGH SCHOOL  
32 COURSES LEADING TO THE GRANTING OF A HIGH SCHOOL DIPLOMA AND  
33 COLLEGE-LEVEL COURSES LEADING TO THE GRANTING OF AT LEAST TWENTY-FOUR  
34 COLLEGE CREDITS AND UP TO A POST-SECONDARY DEGREE OR DIPLOMA FROM A  
35 PARTNER INSTITUTION OF HIGHER EDUCATION AT NO COST TO THE STUDENT OR  
36 STUDENT'S FAMILY.

37 B. "EARLY COLLEGE HIGH SCHOOL" MEANS A PUBLIC HIGH SCHOOL THAT OFFERS  
38 AN APPROVED EARLY COLLEGE HIGH SCHOOL PROGRAM TO ITS STUDENTS;

39 C. "ELIGIBLE APPLICANT" MEANS A NEW YORK STATE SCHOOL DISTRICT WITH AN  
40 APPROVED EARLY COLLEGE HIGH SCHOOL PROGRAM WHICH PARTNERS WITH A  
41 NOT-FOR-PROFIT HIGHER EDUCATION INSTITUTION TO OFFER COLLEGE-LEVEL  
42 COURSES LEADING TO THE GRANTING OF AT LEAST TWENTY-FOUR COLLEGE CREDITS  
43 AND UP TO A POST-SECONDARY DEGREE OR DIPLOMA;

44 D. "ELIGIBLE STUDENT" MEANS A STUDENT WHO:

45 (I) IS A RESIDENT OF THE SCHOOL DISTRICT IN WHICH THE EARLY COLLEGE  
46 HIGH SCHOOL IS LOCATED AND IS ENROLLED IN SUCH SCHOOL DISTRICT; AND

47 (II) IS REGISTERED TO ATTEND SUCH HIGH SCHOOL FOR THE ACADEMIC YEARS  
48 FOR WHICH THE GRANT AWARD IS BEING SOUGHT.

49 3. MONIES MADE AVAILABLE UNDER THIS SECTION SHALL BE SPENT FOR THE  
50 FOLLOWING PURPOSES AS FURTHER PRESCRIBED BY THE COMMISSIONER IN THE  
51 REQUEST FOR PROPOSALS PROCESS:

52 A. TO PROVIDE ADDITIONAL STAFFING FOR THE EARLY COLLEGE HIGH SCHOOL  
53 PROGRAM, INCLUDING A PROGRAM DIRECTOR AND COLLEGE LIAISON;

54 B. STUDENT RECRUITMENT ACTIVITIES;

55 C. TO PROVIDE PROFESSIONAL DEVELOPMENT TO PROMOTE THE EARLY COLLEGE  
56 HIGH SCHOOL PROGRAM, INCLUDING CROSS-CURRICULUM DEVELOPMENT BETWEEN

1 SECONDARY AND POST-SECONDARY EDUCATION PARTNERS TO ENSURE CURRICULUM  
2 ALIGNMENT THAT PREPARES STUDENTS TO SUCCEED IN COLLEGE LEVEL COURSES  
3 WHILE IN HIGH SCHOOL;

4 D. ACADEMIC AND SOCIAL SUPPORT SERVICES TO PROMOTE COLLEGE READINESS  
5 AND A COLLEGE-GOING CULTURE;

6 E. TRANSPORTATION FOR STUDENTS TO TAKE COURSES AND PARTICIPATE IN  
7 ACTIVITIES AT THE PARTNER CAMPUS OF THE HIGHER EDUCATION PARTNER; AND

8 F. TUITION, BOOKS AND FEES; PROVIDED HOWEVER THAT TUITION REIMBURSE-  
9 MENT SHALL ONLY BE ALLOWABLE FOR NON-REMEDIAL, CREDIT-BEARING COLLEGE  
10 COURSES.

11 4. THE COMMISSIONER SHALL MAKE AWARDS TO ELIGIBLE APPLICANTS FOR AN  
12 APPROVED EARLY COLLEGE HIGH SCHOOL PROGRAM THROUGH A COMPETITIVE REQUEST  
13 FOR PROPOSALS PROCESS. THE FUNDING CYCLE FOR THIS PROGRAM SHALL BE FOR  
14 FIVE YEARS COMMENCING WITH THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVEN-  
15 TEEN ACADEMIC YEAR, WITH A NEW GRANT CYCLE COMMENCING EVERY FIVE YEARS.  
16 THE PROGRAM CYCLE SHALL BE SEPTEMBER FIRST TO AUGUST THIRTY-FIRST ANNU-  
17 ALLY.

18 A. THE COMMISSIONER SHALL PRIORITIZE PARTNERSHIPS THAT DEMONSTRATE THE  
19 WILLINGNESS AND CAPACITY TO SERVE STUDENTS WHO HAVE BEEN IDENTIFIED AS  
20 ECONOMICALLY DISADVANTAGED AND/OR ACADEMICALLY AT-RISK FOR NOT SUCCESS-  
21 FULLY COMPLETING HIGH SCHOOL OR NOT ENROLLING IN OR SUCCEEDING IN  
22 COLLEGE.

23 B. PRIORITY SHALL ALSO BE GIVEN TO EARLY COLLEGE HIGH SCHOOL PROGRAMS  
24 THAT WERE FUNDED BY THE DEPARTMENT UNDER A PRIOR REQUEST FOR PROPOSALS  
25 PROCESS, BASED UPON DEMONSTRATION OF SUCCESSFUL STUDENT OUTCOMES AS  
26 DETERMINED BY THE COMMISSIONER IN REGULATIONS.

27 5. ELIGIBLE INSTITUTIONS SHALL FILE AN APPLICATION FOR APPROVAL BY THE  
28 COMMISSIONER IN A TIMEFRAME AND MANNER PRESCRIBED BY THE COMMISSIONER,  
29 DEMONSTRATING A NEED FOR SUCH FUNDING, INCLUDING HOW THE FUNDING WOULD  
30 BE USED AND HOW MANY STUDENTS WOULD BE ASSISTED WITH SUCH FUNDING.  
31 SUCCESSFUL APPLICANTS WILL BE FUNDED AS PROVIDED IN ACCORDANCE WITH THE  
32 REQUEST FOR PROPOSALS PROCESS.

33 6. NO FUNDS PURSUANT TO THIS SECTION SHALL BE MADE AVAILABLE TO  
34 SUPPORT THE REGULAR ACADEMIC PROGRAMS OF ANY INSTITUTION PARTICIPATING  
35 IN THIS PROGRAM, NOR SHALL FUNDS BE PROVIDED FOR PROGRAMS WHICH ARE  
36 INCOMPATIBLE WITH THE REGENTS PLAN FOR THE EXPANSION AND DEVELOPMENT OF  
37 HIGHER EDUCATION IN THIS STATE.

38 S 3. The education law is amended by adding a new section 6458 to read  
39 as follows:

40 S 6458. GRANT AWARDS FOR PATHWAYS IN TECHNOLOGY EARLY COLLEGE HIGH  
41 SCHOOL (P-TECH) PROGRAMS. 1. SUBJECT TO AN APPROPRIATION, THE COMMIS-  
42 SIONER SHALL ALLOCATE THE FUNDS AVAILABLE FOR P-TECH PROGRAMS FOR THE  
43 PURPOSES OF PREPARING ELIGIBLE ACADEMICALLY AT-RISK AND/OR ECONOMICALLY  
44 DISADVANTAGED STUDENTS FOR HIGH-SKILL JOBS INCLUDING, BUT NOT LIMITED TO  
45 THOSE IN SCIENCE, TECHNOLOGY, ENGINEERING, MANUFACTURING, HEALTHCARE AND  
46 FINANCE THROUGH A SIX-YEAR ACADEMIC PROGRAM THAT COMBINES HIGH SCHOOL,  
47 COLLEGE AND CAREER TRAINING.

48 2. FOR THE PURPOSES OF THIS SECTION:

49 A. "APPROVED PATHWAYS IN TECHNOLOGY EARLY COLLEGE HIGH SCHOOL (P-TECH)  
50 PROGRAM" MEANS A NEW YORK STATE P-TECH PROGRAM, APPROVED BY THE COMMIS-  
51 SIONER IN ACCORDANCE WITH THE REGULATIONS OF THE COMMISSIONER AND THE  
52 REQUEST FOR PROPOSALS PROCESS, WHICH PROVIDES ELIGIBLE STUDENTS ENROLLED  
53 IN SUCH PROGRAM WITH HIGH SCHOOL COURSES LEADING TO THE GRANTING OF A  
54 HIGH SCHOOL DIPLOMA AND COLLEGE-LEVEL COURSES LEADING TO THE GRANTING OF  
55 A POST-SECONDARY DEGREE OR DIPLOMA AT A PARTNERING COLLEGE APPROVED BY  
56 THE DEPARTMENT AND CAREER TRAINING WITH AN ELIGIBLE PARTNERING EMPLOYER;

1 B. "ELIGIBLE APPLICANT" MEANS A NEW YORK STATE SCHOOL DISTRICT, WHICH  
2 MUST SERVE AS THE FISCAL AGENT. THE ELIGIBLE APPLICANT MAY WORK IN COOP-  
3 ERATION WITH OTHER SCHOOL DISTRICTS, A BOARD OF COOPERATIVE EDUCATIONAL  
4 SERVICES, OR ANY COMBINATION OF THESE ENTITIES WITH A PARTNERSHIP THAT  
5 INCLUDES:

6 (I) ONE OR MORE NEW YORK STATE NOT-FOR-PROFIT HIGHER EDUCATION INSTI-  
7 TUTIONS PROVIDED THAT AT LEAST ONE INSTITUTION OFFERS AN ASSOCIATE'S  
8 DEGREE (OR OTHER TWO-YEAR DEGREE THAT IS THE INDUSTRY STANDARD FOR THE  
9 TARGETED JOBS) LINKED TO THE GOALS OF THE APPROVED P-TECH PROGRAM, AND  
10 WHICH AWARDS THE DEGREE AT NO COST TO THE STUDENT/FAMILY; AND

11 (II) A REGIONAL NEW YORK STATE EMPLOYER (OR CONSORTIUM OF EMPLOYERS  
12 FROM RELATED SECTORS) AND/OR INDUSTRY/ENTITY/ASSOCIATION THAT REQUIRES  
13 HIGHLY SKILLED EMPLOYEES WHICH WILL UTILIZE THE KNOWLEDGE AND SKILLS  
14 OBTAINED FROM THE SECONDARY AND POST-SECONDARY PROGRAMS PROPOSED UNDER  
15 THE APPLICATION AND AGREES TO PLACE STUDENTS WHO SUCCESSFULLY COMPLETE  
16 THE PROGRAM FIRST IN LINE FOR A JOB; AND

17 C. "ELIGIBLE STUDENT" MEANS A STUDENT WHO:

18 (I) IS A RESIDENT OF THE SCHOOL DISTRICT, OR A RESIDENT OF A COMPONENT  
19 DISTRICT OF A CONSORTIUM APPLICANT, IN WHICH THE P-TECH PROGRAM IS  
20 LOCATED AND IS ENROLLED IN SUCH SCHOOL DISTRICT; AND

21 (II) IS REGISTERED TO ATTEND SUCH HIGH SCHOOL FOR THE ACADEMIC YEARS  
22 FOR WHICH THE GRANT AWARD IS BEING SOUGHT.

23 3. MONIES MADE AVAILABLE UNDER THIS SECTION SHALL BE SPENT FOR THE  
24 FOLLOWING PURPOSES, AS FURTHER PRESCRIBED BY THE COMMISSIONER IN THE  
25 REQUEST FOR PROPOSALS PROCESS:

26 A. EXISTING EVIDENCE-BASED AND/OR STANDARDS BASED CURRICULUM THAT  
27 FOCUSES ON A CAREER IN SCIENCE, TECHNOLOGY, ENGINEERING OR MATH-RELATED  
28 CAREER AREA WITHIN A P-TECH PROGRAM;

29 B. RECRUITMENT ACTIVITIES FOR ELIGIBLE STUDENTS;

30 C. TO PROVIDE PROFESSIONAL DEVELOPMENT TO PROMOTE THE P-TECH PROGRAM,  
31 INCLUDING CROSS-CURRICULUM DEVELOPMENT BETWEEN PARTNERS AND TO ENSURE  
32 CURRICULUM ALIGNMENT THAT PREPARES STUDENTS TO SUCCEED IN COLLEGE LEVEL  
33 COURSES WHILE IN HIGH SCHOOL AND DURING CAREER TRAINING;

34 D. UP TO TEN PERCENT OF FUNDS AWARDED UNDER THIS SECTION MAY BE USED  
35 FOR ELIGIBLE APPLICANTS TO PURCHASE EQUIPMENT NEEDED TO UPGRADE EXISTING  
36 PROGRAMS OR NEW EQUIPMENT TO START A PROGRAM;

37 E. WORKSHOPS AND PLANNING MEETINGS BETWEEN PARTNERS, INCLUDING COUNSE-  
38 LORS, PARENTS, AND COLLEGE FACULTY, AND BUSINESS LEADERS TO SUPPORT  
39 PROGRAM SUSTAINABILITY AND BUILD AWARENESS IN THE REGIONS ON THE BENE-  
40 FITS OF HAVING SUCH PROGRAMS;

41 F. POST-SECONDARY CURRICULUM DEVELOPMENT THAT FACILITATES ALIGNMENT  
42 AND ARTICULATION WITH SECONDARY PROGRAMS LEADING TO COLLEGE DEGREES  
43 AND/OR OTHER INDUSTRY RECOGNIZED CREDENTIALS THAT MEET THE NEEDS OF  
44 EMPLOYERS;

45 G. SERVICE CONTRACTS BETWEEN MEMBERS OF THE PARTNERSHIP;

46 H. TRANSPORTATION FOR ELIGIBLE STUDENTS TO TAKE COURSES AND PARTIC-  
47 IPATE IN ACTIVITIES AT THE PARTNER CAMPUS OF THE HIGHER EDUCATION PART-  
48 NER; AND

49 I. TUITION, BOOKS AND FEES; PROVIDED THAT TUITION REIMBURSEMENT SHALL  
50 ONLY BE ALLOWABLE FOR NON-REMEDIAL, CREDIT-BEARING COLLEGE COURSES.

51 4. THE COMMISSIONER SHALL MAKE GRANT AWARDS TO ELIGIBLE APPLICANTS FOR  
52 AN APPROVED P-TECH PROGRAM.

53 A. FUNDS MUST FIRST BE SET ASIDE FOR THOSE APPROVED P-TECH PROGRAMS  
54 THAT WERE FUNDED UNDER THE PREVIOUS REQUEST FOR PROPOSALS PROCESS FOR  
55 ANY COHORT OF STUDENTS IN SUCH PROGRAM SO THEY CAN OBTAIN A COST-FREE  
56 ASSOCIATE'S DEGREE.

1 B. THE COMMISSIONER MAY ALSO MAKE AWARDS TO ELIGIBLE APPLICANTS FOR AN  
2 APPROVED P-TECH PROGRAM THROUGH A COMPETITIVE REQUEST FOR PROPOSALS  
3 PROCESS. THE FUNDING CYCLE FOR THIS PROGRAM SHALL BE FOR SEVEN YEARS  
4 COMMENCING WITH THE TWO THOUSAND TWENTY--TWO THOUSAND TWENTY-ONE ACADEM-  
5 IC YEAR, SUBJECT TO AN APPROPRIATION, WITH A NEW GRANT CYCLE COMMENCING  
6 EVERY SEVEN YEARS.

7 C. THE COMMISSIONER SHALL PRIORITIZE PARTNERSHIPS THAT DEMONSTRATE THE  
8 WILLINGNESS AND CAPACITY TO SERVE STUDENTS WHO HAVE BEEN IDENTIFIED AS  
9 ECONOMICALLY DISADVANTAGED OR ACADEMICALLY DISADVANTAGED AND AT-RISK FOR  
10 NOT SUCCESSFULLY COMPLETING HIGH SCHOOL OR NOT ENROLLING IN OR SUCCEED-  
11 ING IN COLLEGE.

12 D. FOR AWARDS MADE UNDER A NEW REQUEST FOR PROPOSALS PROCESS, PRIORITY  
13 SHALL ALSO BE GIVEN TO P-TECH PROGRAMS THAT WERE FUNDED BY THE DEPART-  
14 MENT UNDER A PRIOR REQUEST FOR PROPOSALS PROCESS, BASED UPON DEMON-  
15 STRATION OF SUCCESSFUL STUDENT OUTCOMES AS DETERMINED BY THE COMMISSION-  
16 ER IN REGULATIONS.

17 5. ELIGIBLE APPLICANTS SHALL FILE AN APPLICATION FOR APPROVAL BY THE  
18 COMMISSIONER IN A TIMEFRAME AND MANNER PRESCRIBED BY THE COMMISSIONER,  
19 DEMONSTRATING A NEED FOR SUCH FUNDING, INCLUDING HOW THE FUNDING WOULD  
20 BE USED AND HOW MANY STUDENTS WOULD BE ASSISTED WITH SUCH FUNDING.  
21 SUCCESSFUL APPLICANTS WILL BE FUNDED AS PROVIDED IN ACCORDANCE WITH  
22 REGULATIONS OF THE COMMISSIONER AND THE REQUEST FOR PROPOSALS PROCESS.

23 6. NO FUNDS PURSUANT TO THIS SECTION SHALL BE MADE AVAILABLE TO  
24 SUPPORT THE REGULAR ACADEMIC PROGRAMS OF ANY INSTITUTION PARTICIPATING  
25 IN THIS PROGRAM, NOR SHALL FUNDS BE PROVIDED FOR PROGRAMS WHICH ARE  
26 INCOMPATIBLE WITH THE REGENTS PLAN FOR THE EXPANSION AND DEVELOPMENT OF  
27 HIGHER EDUCATION IN THIS STATE.

28 S 4. The sum of twenty-five million dollars (\$25,000,000), or so much  
29 thereof as may be necessary, is hereby appropriated to the education  
30 department out of any moneys in the state treasury general fund to the  
31 credit of the aid to localities/local assistance account, not otherwise  
32 appropriated, as follows:

33 a. seven million dollars for payment of grants to eligible insti-  
34 tutions for early college high school programs in accordance with the  
35 provisions of section 6457 of the education law, as added by section two  
36 of this act. Such sum shall be payable on the audit and warrant of the  
37 state comptroller on vouchers certified or approved by the commissioner  
38 of education, in the manner prescribed by law. Notwithstanding any  
39 other law to the contrary, the department shall be authorized to set  
40 aside five percent of the funds hereby appropriated for the purpose of  
41 administration, oversight, and provision of technical assistance to  
42 grantees under this program, which shall include hiring of staff.

43 b. eighteen million dollars for payment of grants to eligible insti-  
44 tutions for pathways in technology early college high school programs in  
45 accordance with the provisions of section 6458 of the education law, as  
46 added by section three of this act. Such sum shall be payable on the  
47 audit and warrant of the state comptroller on vouchers certified or  
48 approved by the commissioner of education, in the manner prescribed by  
49 law. Notwithstanding any other law to the contrary, the department shall  
50 be authorized to set aside five percent of the funds hereby appropriated  
51 for the purpose of administration, oversight, and provision of technical  
52 assistance to grantees under this program, which shall include hiring of  
53 staff.

54 S 5. This act shall take effect immediately.