

# STATE OF NEW YORK

11047--A

## IN ASSEMBLY

May 31, 2018

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Nolan) --  
read once and referred to the Committee on Education -- reported and  
referred to the Committee on Ways and Means -- committee discharged,  
bill amended, ordered reprinted as amended and recommitted to said  
committee

AN ACT to amend the education law, in relation to continuing the New  
York State Smart Scholars Early College High School Program and the  
New York State Pathways in Technology Early College High School  
Program in this state

The People of the State of New York, represented in Senate and Assem-  
bly, do enact as follows:

Section 1. The education law is amended by adding two new sections  
6457 and 6458 to read as follows:

§ 6457. Grant awards for New York State Smart Scholars Early College  
High School Programs. 1. For the purposes of this section:

a. "NYS Smart Scholars Early College High School Program" or "NYS  
Smart Scholars ECHS Program" means a formal partnership between a school  
district or a board of cooperative educational services and at least one  
institution of higher education, which provides eligible students  
enrolled in such program with high school courses leading to the grant-  
ing of a high school diploma, and college-level courses leading to the  
granting of at least twenty-four college credits and up to a post-secon-  
dary degree or diploma from such partner institution or institutions of  
higher education at no cost to the student or the student's family. A  
formal partnership may include a for-profit degree granting institution  
of higher education registered with the department if such institution  
was included in a partnership of a previously funded NYS Smart Scholars  
Early College High School Program, and such partnership was approved by  
the commissioner pursuant to a request for proposals process prior to  
the effective date of this section.

b. "Approved NYS Smart Scholars Early College High School program"  
means a NYS Smart Scholars Early College High School Program, and such  
program was approved by the commissioner in accordance with the regu-

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

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lations of the commissioner and any request for proposals issued under this section.

c. "Eligible applicant" means a New York state school district, a board of cooperative educational services, or institution of higher education, in a partnership for the purpose of offering a NYS Smart Scholars Early College High School Program to eligible students, any of which may serve as the fiscal agent. The eligible applicant's partnership may include one or more school districts, a board of cooperative educational services, or one or more institutions of higher education but all partnerships must include a school district or a board of cooperative educational services, and an institution of higher education.

d. "Eligible student" means a student who is a resident of a partnering school district, or a resident of a component district of a partnering board of cooperative educational services, and is enrolled, as defined in regulations of the commissioner, in such district.

e. "Previously funded NYS Smart Scholars Early College High School Program" means a NYS Smart Scholars Early College High School Program that was approved by the commissioner in any request for proposals process before the effective date of this section.

f. "Institution of higher education" means a New York state public or not-for-profit institution of higher education that has been authorized by the New York state board of regents to award post-secondary degrees.

2. a. For the purposes of increasing high school graduation rates for academically at-risk and/or economically disadvantaged students, and increasing their participation in post-secondary education through a network of early college high school partnerships in the state, the commissioner shall, subject to an appropriation and the procedures established in this section, allocate funds available for NYS Smart Scholars ECHS Programs. Funding shall first be available to previously funded or approved NYS Smart Scholars ECHS Programs that meet the requirements under paragraph b of this subdivision, and remaining funds shall be available for new NYS Smart Scholars ECHS Programs.

b. Notwithstanding any other provision of law to the contrary, a previously funded NYS Smart Scholars ECHS Program or an approved NYS Smart Scholars ECHS Program shall continue to be eligible for funding under this section and shall not have to compete for funding under this section provided that:

(i) the program has been continuously awarded funding by the department in accordance with all applicable laws; and

(ii) such program demonstrates that it continues to be a successful NYS Smart Scholars Early College High School Program by meeting certain benchmarks and program requirements as prescribed by the department consistent with the intent and purpose of the request for proposals process and the terms of any program agreement under which such program is funded. If the program fails to meet such benchmarks and program requirements, it may be subject to certain corrective action as described in regulations of the commissioner, which may include but not be limited to establishment of timelines to meet program standards, a limitation of enrollment, termination of the contract, closure of the program, and/or requiring a teach-out agreement with an approved NYS Smart Scholars Early College High School Program to describe how students will be transferred to such program upon closure.

c. Any eligible applicant whose NYS Smart Scholars ECHS Program was previously funded or approved pursuant to a request for proposals process shall be required to compete for funds under this section if such

1 applicant is proposing to offer a new NYS Smart Scholars ECHS Program,  
2 as determined by the commissioner.

3 3. a. Subject to an appropriation, the commissioner shall make awards  
4 to eligible applicants for the establishment of new NYS Smart Scholars  
5 ECHS Programs through a competitive request for proposals process.

6 b. The commissioner shall prioritize eligible applicants that demon-  
7 strate the willingness and capacity to serve students who have been  
8 identified as economically disadvantaged and/or academically at-risk for  
9 not successfully completing high school or not enrolling in or succeed-  
10 ing in college.

11 c. Eligible applicants shall file an application for approval by the  
12 commissioner in a timeframe and manner prescribed by the commissioner,  
13 demonstrating a need for such funding, including how the funding would  
14 be used and how many students would be assisted with such funding.  
15 Successful applicants will be funded as provided in accordance with the  
16 request for proposals process.

17 4. a. Monies made available under this section shall be spent for the  
18 following purposes as further prescribed by the commissioner in regu-  
19 lation:

20 (i) to provide additional staffing for the NYS Smart Scholars ECHS  
21 Program, including a program director and college liaison;

22 (ii) for student recruitment activities;

23 (iii) to provide professional development to promote the NYS Smart  
24 Scholars ECHS Program, including cross-curriculum development between  
25 secondary and post-secondary education partners to ensure curriculum  
26 alignment that prepares students to succeed in college-level courses  
27 while in high school;

28 (iv) for workshops and planning meetings between partners, including  
29 counselors, parents, and college faculty, to support program sustaina-  
30 bility and build awareness in the district on the benefits of having  
31 such programs;

32 (v) for academic and social support services to promote college read-  
33 iness and a college-going culture;

34 (vi) for transportation for students to take courses and participate  
35 in activities at the NYS Smart Scholars ECHS site and at the partner  
36 campus of the higher education partners; and

37 (vii) for tuition, books and fees; provided however that tuition  
38 reimbursement shall only be allowable for non-remedial, credit-bearing  
39 college courses.

40 b. No funds spent pursuant to this section shall be made available to  
41 support the regular academic programs of any school district, board of  
42 cooperative educational services or institution or institutions of high-  
43 er education participating in this program, nor shall funds be provided  
44 for programs which are incompatible with the regents plan for the expan-  
45 sion and development of higher education in this state.

46 § 6458. Grant awards for New York State pathways in technology early  
47 college high school programs. 1. For the purposes of this section:

48 a. "NYS Pathways in Technology Early College High School Program" or  
49 "NYS P-TECH Program" means a program which provides eligible students  
50 enrolled in such program with high school courses leading to the grant-  
51 ing of a high school diploma, college-level courses leading to the  
52 granting of a post-secondary degree at a partnering institution of high-  
53 er education, and career training with an eligible partnering employer.  
54 Such program is operated by a New York state school district or a board  
55 of cooperative educational services that forms a partnership with:

1 (i) one or more New York state institutions of higher education  
2 provided that at least one institution of higher education offers a  
3 registered associate level degree program that is the industry standard  
4 for the targeted jobs, linked to the goals of the NYS P-TECH Program,  
5 and which awards the degree at no cost to the student or the student's  
6 family; and

7 (ii) a regional New York state employer or consortium of employers  
8 from related sectors and/or industry/entity/association that requires  
9 skilled employees which will utilize the knowledge and skills obtained  
10 from the secondary and post-secondary programs, and agrees to collab-  
11 orate in preparing students for employment opportunities in such  
12 sector/industry.

13 b. "Approved NYS P-TECH Program" means a NYS P-TECH Program and such  
14 program was approved by the commissioner in accordance with the regu-  
15 lations of the commissioner and any request for proposals process under  
16 this section.

17 c. "Eligible applicant" means a New York state school district,  
18 including those districts with career and technical high schools, or a  
19 board of cooperative educational services, either of which may serve as  
20 the fiscal agent. The eligible applicant may work in cooperation with  
21 other school districts, a board of cooperative educational services, or  
22 any combination of these as a consortium applicant.

23 d. "Eligible student" means a student who is a resident of a partner-  
24 ing district, or a resident of a component district of a partnering  
25 board of cooperative educational services and is enrolled, as defined in  
26 regulations of the commissioner, in such district.

27 e. "Previously funded NYS P-TECH Program" means an NYS P-TECH Program  
28 that was approved by the commissioner in any prior request for proposals  
29 process before the effective date of this section.

30 f. "Institution of higher education" means a New York state public or  
31 not-for-profit institution of higher education that has been authorized  
32 by the New York state board of regents to award post-secondary degrees.

33 2. a. Subject to an appropriation and the procedures established in  
34 this section, the commissioner shall allocate the funds available for  
35 NYS P-TECH Programs for the purposes of preparing eligible academically  
36 at-risk and/or economically disadvantaged students for high-skill jobs  
37 including, but not limited to those in science, technology, engineering,  
38 manufacturing, healthcare, and finance through a six-year academic  
39 program that combines high school, college, and career training. Fund-  
40 ing shall first be available to previously funded or approved NYS P-TECH  
41 Programs that meet the requirements under paragraph b of this subdivi-  
42 sion, and remaining funds shall be available for new programs.

43 b. Notwithstanding any other provision of law to the contrary, a  
44 previously funded NYS P-TECH Program or an approved NYS P-TECH Program  
45 shall continue to be eligible for funding under this section and shall  
46 not have to compete for funding under this section provided that:

47 (i) the program has been continuously awarded funding by the depart-  
48 ment in accordance with all applicable laws; and

49 (ii) such program demonstrates that it continues to be a successful  
50 NYS P-TECH Program by meeting certain benchmarks and program require-  
51 ments as prescribed by the department consistent with the intent and  
52 purpose of the request for proposals process and the terms of any  
53 program agreement under which such program is funded. If the program  
54 fails to meet such benchmarks and program requirements, it may be  
55 subject to certain corrective action as described in regulations of the  
56 commissioner, which may include but not be limited to establishment of

timelines to meet program standards, a limitation of enrollment, termination of the contract, closure of the program, and/or requiring a teach-out agreement with an approved NYS P-TECH Program to describe how students will be transferred to such program upon closure.

c. Any eligible applicant whose NYS P-TECH Program was previously funded or approved pursuant to a request for proposals process shall be required to compete for funds under this section if such applicant is proposing to offer a new NYS P-TECH Program, as determined by the commissioner.

3. a. Subject to an appropriation the commissioner shall make awards to eligible applicants for the establishment of new NYS P-TECH Programs through a competitive request for proposals process.

b. The commissioner shall prioritize eligible applicants that demonstrate the willingness and capacity to serve students who have been identified as economically disadvantaged and/or academically at-risk for not successfully completing high school or not enrolling in or succeeding in college.

c. Eligible applicants shall file an application for approval by the commissioner in a timeframe and manner prescribed by the commissioner, demonstrating a need for such funding, including how the funding would be used and how many students would be assisted with such funding. Successful applicants will be funded in accordance with the regulations of the commissioner.

4. a. Monies made available under this section shall be spent for the following purposes, as further prescribed by the commissioner in regulations of the commissioner:

(i) to provide additional staffing for the NYS P-TECH Program, including but not limited to a program director and college liaison;

(ii) for an existing evidence-based and/or standards based curriculum including but not limited to a focus on a career in science, technology, engineering, or math-related career area within a NYS P-TECH Program;

(iii) for recruitment activities for eligible students;

(iv) to provide professional development to promote the NYS P-TECH Program, including cross-curriculum development between partners and to ensure curriculum alignment that prepares students to succeed in college-level courses while in high school and during career training;

(v) up to ten percent of funds awarded under this section may be used to purchase equipment needed to upgrade existing programs or new equipment to start a program; provided that a program may seek permission from the commissioner for a waiver of the ten percent cap, and such request must include a justification for why equipment in excess of the cap is necessary to accomplish the goals of the NYS P-TECH Program;

(vi) for workshops and planning meetings between partners, including counselors, parents, and college faculty, and business leaders to support program sustainability and build awareness in the district on the benefits of having such programs;

(vii) for post-secondary curriculum development that facilitates alignment and articulation with secondary programs leading to college degrees and/or other industry recognized credentials that meet the needs of employers;

(viii) for service contracts between members of the partnership;

(ix) for transportation for eligible students to take courses and participate in activities at the NYS P-TECH site, at partner employers' locations, and at the partner campus of the higher education partner; and

1     (x) for tuition, books and fees; provided that tuition reimbursement  
2     shall only be allowable for non-remedial, credit-bearing college cours-  
3     es.

4     b. No funds pursuant to this section shall be made available to  
5     support the regular academic programs of any school district, board of  
6     cooperative educational services or institution or institutions of high-  
7     er education participating in this program, nor shall funds be provided  
8     for programs which are incompatible with the regents plans for the  
9     expansion and development of higher education in this state.

10    § 2. This act shall take effect on the thirtieth day after it shall  
11    have become a law. Effective immediately the addition, amendment and/or  
12    repeal of any rule or regulation necessary for the implementation of  
13    this act on its effective date are authorized to be made on or before  
14    such date.