STATE OF NEW YORK

8700--A

Cal. No. 1467

IN SENATE

May 10, 2018

Introduced by Sen. MARCELLINO -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- committee discharged and said bill committed to the Committee on Education -- reported favorably from said committee, ordered to first and second report, amended on second report, ordered to a third reading, and to be reprinted as amended, retaining its place in the order of third reading

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 Assembly, 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" means a formal partnership between a school district and at least one institution of higher education which provides eligible students enrolled in such program with high school courses leading to the granting 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-secondary degree or diploma from such partner institution or institutions of higher education at no cost to the student or student's family.

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 regulations of the commissioner and any request for proposals processed under this section.

c. "NYS Smart Scholars Early College High School" or "NYS Smart Scholars ECHS" means a public high school that offers an approved NYS Smart Scholars Early College High School Program to its students.

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

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d. "Eligible applicant" means a state school district, a board of cooperative educational services, or a not-for-profit higher education institution registered with the department, in a partnership for the purpose of offering a NYS Smart Scholars Early College High School Program to the eligible students of the school district. The eligible applicant may work in cooperation with other school districts, a board of cooperative educational services, or any combination of these as a consortium applicant.

e. "Eligible student" means a student who:

(i) is a resident of the school district, or a resident of a component district of a consortium applicant, in which the NYS Smart Scholars Early College High School is located and is enrolled in such school district; and

(ii) is registered to attend such high school.

f. "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 prior request for proposals process before the effective date of this section.

2. a. Subject to an appropriation and the procedures established in this section, the commissioner shall allocate funds available for NYS Smart Scholars ECHS Programs 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. Funding shall be available to previously funded, approved programs, and new programs, with priority given to those programs that have already received funding.

b. Notwithstanding any other provision of law to the contrary, a program shall be eligible for funding under this section and shall not have to apply for funding under this section if it was a previously funded program or an approved NYS Early College High School Program that was funded under a prior request for proposals process, and its contracts have been continuously renewed by the department in accordance with all applicable laws since the effective date of this section; provided, however, that such programs shall meet certain benchmarks and program requirements as prescribed by the department in order to demonstrate that it continues to be a successful NYS Smart Scholars ECHS Program. 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 establishing timelines to meet program standards, a limitation on enrollment, termination of the contract and/or closure of the program and/or requiring a teach-out agreement with an approved NYS Smart Scholars ECHS Program to describe how students will be transferred to such program upon closure.

c. Any NYS Smart Scholars ECHS Program approved pursuant to a prior request for proposals process shall not be required to re-apply for funds under this section unless such program is offering a new NYS Smart Scholars ECHS 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 Smart Scholars ECHS 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 as provided in accordance with the request for proposals process.

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

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

(ii) for student recruitment activities;

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

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

(v) for academic and social support services to promote college readiness and a college-going culture;

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

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

b. No funds spent pursuant to this section shall be made available to support the regular academic programs of any school district or institution or institutions participating in this program, nor shall funds be provided for programs which are incompatible with the regents plan for the expansion and development of higher education in this state.

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

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

(i) one or more New York state not-for-profit higher education institution or institutions registered with the department provided that at least one institution offers an associate's degree (or other two-year degree that is the industry standard for the targeted jobs) linked to the goals of the NYS P-TECH program, and which awards the degree at no cost to the student/family; and

(ii) a regional New York state employer (or consortium of employers from related sectors) and/or industry/entity/association that requires highly skilled employees which will utilize the knowledge and skills obtained from the secondary and post-secondary programs and agrees to

place students who successfully complete the program with the opportunity to be first in line for a job.

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

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

d. "Eligible student" means a student who:

(i) is a resident of the school district, or a resident of a component district of a consortium, in which the NYS P-TECH Program is located and is enrolled in such school district; and

(ii) is registered to attend such high school.

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

2. a. Subject to an appropriation and the procedures established in this section, the commissioner shall allocate the funds available for NYS P-TECH Programs for the purposes of preparing eligible academically at-risk and/or economically disadvantaged students for high-skill jobs including, but not limited to those in science, technology, engineering, manufacturing, healthcare, and finance through a six-year academic program that combines high school, college, and career training. Funding shall be available to previously funded, approved programs, and new programs, with priority given to those programs that have already received funding.

b. Notwithstanding any other provision of law to the contrary, a program shall be eligible for funding under this section and shall not have to apply for funding under this section if it was a previously funded program or an approved NYS P-TECH Program that was funded under a prior request for proposals process; and its contracts have been continuously renewed by the department in accordance with all applicable laws since the effective date of this section; provided that such program shall meet certain benchmarks and program requirements as prescribed by the department in order to demonstrate that it continues to be a successful NYS P-TECH Program. 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 establishing timelines to meet program standards, a limitation on enrollment, termination of the contract and/or 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 NYS P-TECH Program approved pursuant to a prior request for proposals process shall not be required to re-apply for funds under this section unless they are offering 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

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

b. No funds pursuant to this section shall be made available to support the regular academic programs of any school district or institution or institutions participating in this program, nor shall funds be provided for programs which are incompatible with the regents plans for the expansion and development of higher education in this state.

§ 2. This act shall take effect on the first of April next succeeding the date upon which it shall have become a law. Effective immediately the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made on or before such date.