

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

9 e. "Eligible student" means a student who:

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

14 (ii) is registered to attend such high school.

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

19 2. a. Subject to an appropriation and the procedures established in
20 this section, the commissioner shall allocate funds available for NYS
21 Smart Scholars ECHS Programs for the purposes of increasing high school
22 graduation rates for academically at-risk, and/or economically disadvan-
23 tagged students, and increasing their participation in post-secondary
24 education through a network of early college high school partnerships in
25 the state. Funding shall be available to previously funded, approved
26 programs, and new programs, with priority given to those programs that
27 have already received funding.

28 b. Notwithstanding any other provision of law to the contrary, a
29 program shall be eligible for funding under this section and shall not
30 have to apply for funding under this section if it was a previously
31 funded program or an approved NYS Early College High School Program that
32 was funded under a prior request for proposals process, and its
33 contracts have been continuously renewed by the department in accordance
34 with all applicable laws since the effective date of this section;
35 provided, however, that such programs shall meet certain benchmarks and
36 program requirements as prescribed by the department in order to demon-
37 strate that it continues to be a successful NYS Smart Scholars ECHS
38 Program. If the program fails to meet such benchmarks and program
39 requirements, it may be subject to certain corrective action as
40 described in regulations of the commissioner, which may include but not
41 be limited to establishing timelines to meet program standards, a limi-
42 tation on enrollment, termination of the contract and/or closure of the
43 program and/or requiring a teach-out agreement with an approved NYS
44 Smart Scholars ECHS Program to describe how students will be transferred
45 to such program upon closure.

46 c. Any NYS Smart Scholars ECHS Program approved pursuant to a prior
47 request for proposals process shall not be required to re-apply for
48 funds under this section unless such program is offering a new NYS Smart
49 Scholars ECHS Program, as determined by the commissioner.

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

53 b. The commissioner shall prioritize eligible applicants that demon-
54 strate the willingness and capacity to serve students who have been
55 identified as economically disadvantaged and/or academically at-risk for

1 not successfully completing high school or not enrolling in or succeed-
2 ing in college.

3 c. Eligible applicants shall file an application for approval by the
4 commissioner in a timeframe and manner prescribed by the commissioner,
5 demonstrating a need for such funding, including how the funding would
6 be used and how many students would be assisted with such funding.
7 Successful applicants will be funded as provided in accordance with the
8 request for proposals process.

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

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

14 (ii) for student recruitment activities;

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

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

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

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

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

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

37 § 6458. Grant awards for New York State pathways in technology early
38 college high school programs. 1. For the purposes of this section:

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

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

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

1 place students who successfully complete the program with the opportu-
2 nity to be first in line for a job.

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

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

13 d. "Eligible student" means a student who:

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

17 (ii) is registered to attend such high school.

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

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

31 b. Notwithstanding any other provision of law to the contrary, a
32 program shall be eligible for funding under this section and shall not
33 have to apply for funding under this section if it was a previously
34 funded program or an approved NYS P-TECH Program that was funded under a
35 prior request for proposals process; and its contracts have been contin-
36 uously renewed by the department in accordance with all applicable laws
37 since the effective date of this section; provided that such program
38 shall meet certain benchmarks and program requirements as prescribed by
39 the department in order to demonstrate that it continues to be a
40 successful NYS P-TECH Program. If the program fails to meet such bench-
41 marks and program requirements, it may be subject to certain corrective
42 action as described in regulations of the commissioner, which may
43 include but not be limited to establishing timelines to meet program
44 standards, a limitation on enrollment, termination of the contract
45 and/or closure of the program and/or requiring a teach-out agreement
46 with an approved NYS P-TECH Program to describe how students will be
47 transferred to such program upon closure.

48 c. Any NYS P-TECH Program approved pursuant to a prior request for
49 proposals process shall not be required to re-apply for funds under this
50 section unless they are offering a new NYS P-TECH Program, as determined
51 by the commissioner.

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

55 b. The commissioner shall prioritize eligible applicants that demon-
56 strate the willingness and capacity to serve students who have been

1 identified as economically disadvantaged and/or academically at-risk for
2 not successfully completing high school or not enrolling in or succeed-
3 ing in college.

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

10 4. a. Monies made available under this section shall be spent for the
11 following purposes, as further prescribed by the commissioner in regu-
12 lations of the commissioner:

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

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

18 (iii) for recruitment activities for eligible students;

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

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

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

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

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

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

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

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

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