

STATE OF NEW YORK

11047

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

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:

1 Section 1. The education law is amended by adding two new sections
2 6457 and 6458 to read as follows:

3 § 6457. Grant awards for New York State Smart Scholars Early College
4 High School Programs. 1. For the purposes of this section:

5 a. "NYS Smart Scholars Early College High School Program" means a
6 formal partnership between a school district and at least one institu-
7 tion of higher education which provides eligible students enrolled in
8 such program with high school courses leading to the granting of a high
9 school diploma, and college-level courses leading to the granting of at
10 least twenty-four college credits and up to a post-secondary degree or
11 diploma from such partner institution or institutions of higher educa-
12 tion at no cost to the student or student's family.

13 b. "Approved NYS Smart Scholars Early College High School program"
14 means a NYS Smart Scholars Early College High School Program, and such
15 program was approved by the commissioner in accordance with the regu-
16 lations of the commissioner and any request for proposals processed
17 under this section.

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

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

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

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1 of cooperative educational services, or any combination of these as a
2 consortium applicant.

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

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

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

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

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

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

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

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

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

52 c. Eligible applicants shall file an application for approval by the
53 commissioner in a timeframe and manner prescribed by the commissioner,
54 demonstrating a need for such funding, including how the funding would
55 be used and how many students would be assisted with such funding.

1 Successful applicants will be funded as provided in accordance with the
2 request for proposals process.

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

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

8 (ii) for student recruitment activities;

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

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

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

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

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

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

31 § 6458. Grant awards for New York State pathways in technology early
32 college high school programs. 1. For the purposes of this section:

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

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

47 (ii) a regional New York state employer (or consortium of employers
48 from related sectors) and/or industry/entity/association that requires
49 highly skilled employees which will utilize the knowledge and skills
50 obtained from the secondary and post-secondary programs and agrees to
51 place students who successfully complete the program with the opportu-
52 nity to be first in line for a job.

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

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

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

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

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

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

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

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

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

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

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

54 c. Eligible applicants shall file an application for approval by the
55 commissioner in a timeframe and manner prescribed by the commissioner,
56 demonstrating a need for such funding, including how the funding would

1 be used and how many students would be assisted with such funding.
2 Successful applicants will be funded in accordance with the regulations
3 of the commissioner.

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

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

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

12 (iii) for recruitment activities for eligible students;

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

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

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

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

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

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

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

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

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