

STATE OF NEW YORK

8700

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

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:

1 Section 1. Legislative intent. The legislature hereby finds and
2 declares it necessary to preserve and continue the New York State Smart
3 Scholars early college high school program and the New York state path-
4 ways in technology early college high school program (P-TECH program)
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. The New York State
11 Smart Scholars early college high school program not only increases
12 students' access to higher education, but also reduces potential costs
13 for 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
21 at the high school and college levels, especially for academically
22 at-risk students.

23 The New York State P-TECH program, through a public-private partner-
24 ship, prepares thousands of New York students for high-skill jobs of the
25 future in technology, manufacturing, healthcare and finance. The New
26 York State P-TECH program provides students with a rigorous, relevant

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

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1 and cost-free high school and college education and a workplace learning
2 environment with ongoing mentoring by professionals in the chosen career
3 sector to better prepare these students for successful careers. Students
4 also receive a commitment from the participating employer to be first in
5 line for an opportunity for a job following completion of the program.
6 Ultimately, this program increases graduation rates both at the high
7 school and college levels and provides essential career training for
8 academically at-risk, disadvantaged students, which at the completion of
9 the program improves students' readiness for employment in a 21st centu-
10 ry workplace.

11 The legislature hereby finds and declares it necessary to provide
12 funding for these programs to ensure that they continue in operation and
13 continue to provide students with these valuable services. The legisla-
14 ture also finds and declares it necessary to provide additional funding
15 for the state education department to administer and evaluate these
16 critical programs. These funds will support program staff to supplement
17 the oversight already being provided to these programs, and ensure the
18 timely and accurate analysis of data to further enhance and validate
19 these programs.

20 § 2. The education law is amended by adding a new section 6457 to read
21 as follows:

22 § 6457. Grant awards for New York State Smart Scholars early college
23 high school programs. 1. Subject to an appropriation, the commissioner
24 shall allocate funds available for NYS Smart Scholars ECHS programs for
25 the purposes of increasing high school graduation rates for academically
26 at-risk, and/or economically disadvantaged students and to increase
27 their participation in post-secondary education through a network of
28 early college high school partnerships in the state.

29 2. For the purposes of this section:

30 a. "approved NYS Smart Scholars ECHS program" means a formal partner-
31 ship between a school district and at least one institution of higher
32 education that is approved by the commissioner in accordance with the
33 regulations of the commissioner and any request for proposals process
34 under this section or a prior request for proposals process pursuant to
35 subdivision five of this section which provides eligible students
36 enrolled in such program with high school courses leading to the grant-
37 ing of a high school diploma and college-level courses leading to the
38 granting of at least twenty-four college credits and up to a post-secon-
39 dary degree or diploma from such partner institution or institutions of
40 higher education at no cost to the student or student's family;

41 b. "NYS Smart Scholars ECHS" means a public high school that offers an
42 approved NYS Smart Scholars ECHS program to its students;

43 c. "eligible applicant" means a New York state school district with a
44 NYS Smart Scholars ECHS program which partners with a not-for-profit
45 higher education institution or institutions to offer college-level
46 courses leading to the granting of at least twenty-four college credits
47 and up to a post-secondary degree or diploma, or a not-for-profit higher
48 education institution registered with the department which partners with
49 a New York state school district to offer a NYS Smart Scholars ECHS
50 program; and

51 d. "eligible student" means a student who:

52 (i) is a resident of the school district, or a resident of a component
53 district of a consortium applicant, in which the NYS Smart Scholars ECHS
54 is located and is enrolled in such school district; and (ii) is regis-
55 tered to attend such high school for the academic years for which the
56 grant award is being sought.

1 3. Monies made available under this section shall be spent for the
2 following purposes as further prescribed by the commissioner in the
3 request for proposals process:

4 a. to provide additional staffing for the NYS Smart Scholars ECHS
5 program, including a program director and college liaison;

6 b. student recruitment activities;

7 c. to provide professional development to promote the NYS Smart Schol-
8 ars ECHS program, including cross-curriculum development between second-
9 ary and post-secondary education partners to ensure curriculum alignment
10 that prepares students to succeed in college-level courses while in high
11 school;

12 d. workshops and planning meetings between partners, including counse-
13 lors, parents, and college faculty, to support program sustainability
14 and build awareness in the regions on the benefits of having such
15 programs;

16 e. academic and social support services to promote college readiness
17 and a college-going culture;

18 f. transportation for students to take courses and participate in
19 activities at the NYS Smart Scholars ECHS site and at the partner campus
20 of the higher education partner; and

21 g. tuition, books and fees; provided however that tuition reimburse-
22 ment shall only be allowable for non-remedial, credit-bearing college
23 courses.

24 4. a. Subject to an appropriation the commissioner shall make awards
25 to eligible applicants for the establishment of new NYS Smart Scholars
26 ECHS programs through a competitive request for proposals process.

27 b. The commissioner shall prioritize partnerships that demonstrate the
28 willingness and capacity to serve students who have been identified as
29 economically disadvantaged and/or academically at-risk for not success-
30 fully completing high school or not enrolling in or succeeding in
31 college.

32 c. Eligible applicants shall file an application for approval by the
33 commissioner in a timeframe and manner prescribed by the commissioner,
34 demonstrating a need for such funding, including how the funding would
35 be used and how many students would be assisted with such funding.
36 Successful applicants will be funded as provided in accordance with the
37 request for proposals process.

38 5. a. Notwithstanding any other provision of law to the contrary,
39 previously approved NYS early college high school programs that were
40 funded under a prior request for proposals process and whose contracts
41 have been continuously renewed by the department in accordance with all
42 applicable laws since the effective date of this section shall be eligi-
43 ble for funding under this section and shall not have to apply for fund-
44 ing under this section; provided, however, that such programs shall meet
45 the requirements of this subdivision.

46 b. In order for any NYS Smart Scholars ECHS program that was previous-
47 ly funded prior to the effective date of this section to continue to
48 receive funding under this section, the program shall be required to
49 meet certain benchmarks and program requirements as prescribed by the
50 department in order to demonstrate that it continues to be a successful
51 NYS Smart Scholars ECHS and if the program fails to meet such benchmarks
52 and program requirements, it may be subject to certain corrective action
53 as described in regulations of the commissioner, which may include but
54 not be limited to establishing timelines to meet program standards, a
55 limitation on enrollment, termination of the contract and/or closure of
56 the program and/or requiring a teach-out agreement with an approved NYS

1 Smart Scholars ECHS program to describe how students will be transferred
2 to such program upon closure.

3 c. Any NYS Smart Scholars ECHS program approved pursuant to a prior
4 request for proposals process shall not be required to re-apply for
5 funds under this section unless they are offering a new NYS Smart Schol-
6 ars ECHS program, as determined by the commissioner.

7 6. No funds pursuant to this section shall be made available to
8 support the regular academic programs of any school district or institu-
9 tion or institutions participating in this program, nor shall funds be
10 provided for programs which are incompatible with the regents plan for
11 the expansion and development of higher education in this state.

12 § 3. The education law is amended by adding a new section 6458 to read
13 as follows:

14 § 6458. Grant awards for New York State pathways in technology early
15 college high school programs. 1. Subject to an appropriation, the
16 commissioner shall allocate the funds available for NYSP-TECH programs
17 for the purposes of preparing eligible academically at-risk and/or
18 economically disadvantaged students for high-skill jobs including, but
19 not limited to those in science, technology, engineering, manufacturing,
20 healthcare and finance through a six-year academic program that combines
21 high school, college and career training.

22 2. For the purposes of this section:

23 a. "approved NYS P-TECH programs" means a NYS P-TECH program,
24 approved by the commissioner in accordance with the regulations of the
25 commissioner, any request for proposals process under this section or a
26 prior request for proposals process pursuant to subdivision five of this
27 section, which provides eligible students enrolled in such program with
28 high school courses leading to the granting of a high school diploma,
29 college-level courses leading to the granting of a post-secondary degree
30 at a partnering institution, and career training with an eligible part-
31 nering employer;

32 b. "eligible applicant" means a New York state school district or a
33 board of cooperative educational services, which must serve as the
34 fiscal agent. The eligible applicant may work in cooperation with other
35 school districts, a board of cooperative educational services, or any
36 combination of these. The eligible applicant shall form a partnership
37 that includes:

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

44 (ii) a regional New York state employer (or consortium of employers
45 from related sectors) and/or industry/entity/association that requires
46 highly skilled employees which will utilize the knowledge and skills
47 obtained from the secondary and post-secondary programs proposed under
48 the application and agrees to place students who successfully complete
49 the program with the opportunity to be first in line for a job; and

50 c. "eligible student" means a student who:

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

54 (ii) is registered to attend such high school, for the academic years
55 for which the grant award is being sought.

1 3. Monies made available under this section shall be spent for the
2 following purposes, as further prescribed by the commissioner in the
3 request for proposals process and/or in regulations of the commissioner:

4 a. to provide additional staffing for the NYS P-TECH program, includ-
5 ing but not limited to a program director and college liaison;

6 b. existing evidence-based and/or standards based curriculum that
7 focuses on a career in science, technology, engineering or math-related
8 career area within a NYS P-TECH program;

9 c. recruitment activities for eligible students;

10 d. to provide professional development to promote the NYS P-TECH
11 program, including cross-curriculum development between partners and to
12 ensure curriculum alignment that prepares students to succeed in
13 college-level courses while in high school and during career training;

14 e. up to ten percent of funds awarded under this section may be used
15 for eligible applicants to purchase equipment needed to upgrade existing
16 programs or new equipment to start a program; provided that an eligible
17 applicant may seek permission from the commissioner for a waiver of the
18 ten percent cap, and such request must include a justification for why
19 equipment in excess of the cap is necessary to accomplish the goals of
20 the NYS P-TECH program;

21 f. workshops and planning meetings between partners, including counse-
22 lors, parents, and college faculty, and business leaders to support
23 program sustainability and build awareness in the regions on the bene-
24 fits of having such programs;

25 g. post-secondary curriculum development that facilitates alignment
26 and articulation with secondary programs leading to college degrees
27 and/or other industry recognized credentials that meet the needs of
28 employers;

29 h. service contracts between members of the partnership;

30 i. transportation for eligible students to take courses and partic-
31 ipate in activities at the NYS P-TECH site, at partner employers'
32 locations, and at the partner campus of the higher education partner;
33 and

34 j. tuition, books and fees; provided that tuition reimbursement shall
35 only be allowable for non-remedial, credit-bearing college courses.

36 4. a. Subject to an appropriation the commissioner shall make awards
37 to eligible applicants for the establishment of new NYS P-TECH programs
38 through a competitive request for proposals process.

39 b. The commissioner shall prioritize partnerships that demonstrate the
40 willingness and capacity to serve students who have been identified as
41 economically disadvantaged and/or academically at-risk for not success-
42 fully completing high school or not enrolling in or succeeding in
43 college.

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

50 5. a. Notwithstanding any other provision of law to the contrary,
51 previously approved NYS P-TECH programs that were funded under a prior
52 request for proposals process and whose contracts have been continuously
53 renewed by the department in accordance with all applicable laws since
54 the effective date of this section shall be eligible for funding under
55 this section and shall not have to apply for funding under this section;

1 provided, however, that such program shall meet requirements of this
2 subdivision.

3 b. In order for any NYS P-TECH program that was previously funded
4 prior to the effective date of this section to continue to receive fund-
5 ing under this section, the program shall be required to meet certain
6 benchmarks and program requirements as prescribed by the department in
7 order to demonstrate that it continues to be a successful NYS P-TECH
8 program and if the program fails to meet such benchmarks and program
9 requirements, it may be subject to certain corrective action as
10 described in regulations of the commissioner, which may include but not
11 be limited to establishing timelines to meet program standards, a limi-
12 tation on enrollment, termination of the contract and/or closure of the
13 program and/or requiring a teach-out agreement with an approved NYS
14 P-TECH program to describe how students will be transferred to such
15 program upon closure.

16 c. Any NYS P-TECH program approved pursuant to a prior request for
17 proposals process shall not be required to re-apply for funds under this
18 section unless they are offering a new NYS P-TECH program, as determined
19 by the commissioner.

20 6. No funds pursuant to this section shall be made available to
21 support the regular academic programs of any school district or institu-
22 tion or institutions participating in this program, nor shall funds be
23 provided for programs which are incompatible with the regents plans for
24 the expansion and development of higher education in this state.

25 § 4. This act shall take effect immediately.