

# STATE OF NEW YORK

2312

2019-2020 Regular Sessions

## IN SENATE

January 24, 2019

Introduced by Sen. MONTGOMERY -- 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. 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

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

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1 purpose of offering a NYS Smart Scholars Early College High School  
2 Program to the eligible students of the school district. The eligible  
3 applicant may work in cooperation with other school districts, a board  
4 of cooperative educational services, or any combination of these as a  
5 consortium applicant.

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

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

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

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

16 2. a. Subject to an appropriation and the procedures established in  
17 this section, the commissioner shall allocate funds available for NYS  
18 Smart Scholars ECHS Programs for the purposes of increasing high school  
19 graduation rates for academically at-risk, and/or economically disadvan-  
20 tagged students, and increasing their participation in post-secondary  
21 education through a network of early college high school partnerships in  
22 the state. Funding shall be available to previously funded, approved  
23 programs, and new programs, with priority given to those programs that  
24 have already 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 Early College High School Program that  
29 was funded under a prior request for proposals process, and its  
30 contracts have been continuously renewed by the department in accordance  
31 with all applicable laws since the effective date of this section;  
32 provided, however, that such programs shall meet certain benchmarks and  
33 program requirements as prescribed by the department in order to demon-  
34 strate that it continues to be a successful NYS Smart Scholars ECHS  
35 Program. If the program fails to meet such benchmarks and program  
36 requirements, it may be subject to certain corrective action as  
37 described in regulations of the commissioner, which may include but not  
38 be limited to establishing timelines to meet program standards, a limi-  
39 tation on enrollment, termination of the contract and/or closure of the  
40 program and/or requiring a teach-out agreement with an approved NYS  
41 Smart Scholars ECHS Program to describe how students will be transferred  
42 to such program upon closure.

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

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

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

55 c. Eligible applicants shall file an application for approval by the  
56 commissioner in a timeframe and manner prescribed by the commissioner,

1 demonstrating a need for such funding, including how the funding would  
2 be used and how many students would be assisted with such funding.  
3 Successful applicants will be funded as provided in accordance with the  
4 request for proposals process.

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

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

10 (ii) for student recruitment activities;

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

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

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

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

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

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

33 § 6458. Grant awards for New York State pathways in technology early  
34 college high school programs. 1. For the purposes of this section:

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

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

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

55 b. "Approved NYS P-TECH Program" means a NYS P-TECH Program and such  
56 program was approved by the commissioner in accordance with the regu-

lations 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.

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

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

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

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

15 (iii) for recruitment activities for eligible students;

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

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

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

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

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

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

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

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

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