STATE OF NEW YORK

6537

2019-2020 Regular Sessions

IN SENATE

June 15, 2019

Introduced by Sen. MONTGOMERY -- (at request of the State Education Department) -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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. Legislative intent. The legislature hereby finds and declares it necessary to preserve and continue the New York State Smart Scholars early college high school program and the New York state pathways in technology early college high school program (P-TECH program) which provide various students, including those traditionally underrepresented in post-secondary education, with the opportunity to access college-level courses and college degree credits at the high school level with the combined support of high school and college staff and resources, and for P-TECH programs, career training and employment in a highly skilled job upon completion of the program. The New York State Smart Scholars early college high school program not only increases students' access to higher education, but also reduces potential costs for students in completing college degrees by allowing them to either complete a degree upon graduation from high school or to apply their earned college credits towards an associate's or baccalaureate's degree. This innovative program provides incentives to high school students to proceed to college and to earn a college degree by accelerating their overall completion of a degree. It also better prepares them for college-level coursework, which, will in turn, increase their academic performance. Ultimately, this program increases graduation rates both at the high school and college levels, especially for academically at-risk students.

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

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The New York State P-TECH program, through a public-private partnership, prepares thousands of New York students for high-skill jobs of the future in fields including, but not limited to, science, technology, engineering, manufacturing, healthcare, except for the licensed professions under Title VIII of the education law, finance and math-related career areas. The New York State P-TECH program provides students with a rigorous, relevant and cost-free high school and college education and a workplace learning environment with ongoing mentoring by professionals in the chosen career sector to better prepare these students for successful careers. Students also receive a commitment from the participating employer to be first in line for an opportunity for a job following completion of the program. Ultimately, this program increases graduation rates both at the high school and college levels and provides essential career training for academically at-risk, disadvantaged students, which at the completion of the program improves students' readiness for employment in a 21st century workplace.

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

§ 2. 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" or "NYS Smart Scholars ECHS Program" means a formal partnership between a school district or a board of cooperative educational services 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 the student's family. A formal partnership may include a for-profit degree granting institution of higher education registered with the department if such institution was included in a partnership of a previously funded NYS Smart Scholars Early College High School Program, and such partnership was approved by the commissioner pursuant to a request for proposals process prior to the effective date of this section.

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 issued under this section.

c. "Eligible applicant" means a New York state school district, a board of cooperative educational services, or institution of higher education, in a partnership for the purpose of offering a NYS Smart Scholars Early College High School Program to eligible students, any of which may serve as the fiscal agent. The eligible applicant's partnership may include one or more school districts, a board of cooperative educational services, or one or more institutions of higher education

but all partnerships must include a school district or a board of cooperative educational services, and an institution of higher education.

d. "Eligible student" means a student who is a resident of a partnering school district, or a resident of a component district of a partnering board of cooperative educational services, and is enrolled, as defined in regulations of the commissioner, in such district.

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

f. "Institution of higher education" means a New York state public or not-for-profit institution of higher education that has been authorized by the New York state board of regents to award post-secondary degrees.

2. a. 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, the commissioner shall, subject to an appropriation and the procedures established in this section, allocate funds available for NYS Smart Scholars ECHS Programs. Funding shall first be available to previously funded or approved NYS Smart Scholars ECHS Programs that meet the requirements under paragraph b of this subdivision, and remaining funds shall be available for new NYS Smart Scholars ECHS Programs.

b. Notwithstanding any other provision of law to the contrary, a previously funded NYS Smart Scholars ECHS Program or an approved NYS Smart Scholars ECHS Program shall continue to be eligible for funding under this section and shall not have to compete for funding under this section provided that:

(i) the program has been continuously awarded funding by the department in accordance with all applicable laws; and

(ii) such program demonstrates that it continues to be a successful NYS Smart Scholars Early College High School Program by meeting certain benchmarks and program requirements as prescribed by the department consistent with the intent and purpose of the request for proposals process and the terms of any program agreement under which such program is funded. 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 establishment of timelines to meet program standards, a limitation of enrollment, termination of the contract and/or grant, closure of the program, and/or requiring a teach-out agreement with an approved NYS Smart Scholars Early College High School Program to describe how students will be transferred to such program upon closure. Monies made available under this section may be spent to implement a corrective action plan issued under this section and/or for tuition, books and fees for non-remedial, credit-bearing college courses at an institution of higher education for students who were enrolled in a NYS Smart Scholars Early College High School Program that subsequently closes before the student completes the program; provided such student is taking comparable courses to what was offered in the Smart Scholars ECHS Program as determined by the commissioner.

c. Any eligible applicant whose NYS Smart Scholars ECHS Program was previously funded or approved pursuant to a request for proposals process shall be required to compete for funds under this section if such applicant is proposing to offer a new NYS Smart Scholars ECHS Program, as determined by the commissioner.

d. School districts shall provide all students with disabilities and English language learners enrolled in a NYS Smart Scholars ECHS Program with any support services and programs required under all applicable federal and state laws and regulations.

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, board of cooperative educational services or institution or institutions of higher education 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 of higher education, and career training with an eligible partnering employer.

Such program is 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 institutions of higher education provided that at least one institution of higher education offers a registered associate level degree program 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 or the student's family; and

(ii) a regional New York state employer or consortium of employers from related sectors and/or industry/entity/association that requires skilled employees which will utilize the knowledge and skills obtained from the secondary and post-secondary programs, and agrees to grant 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 may 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 is a resident of a partnering district, or a resident of a component district of a partnering board of cooperative educational services and is enrolled, as defined in regulations of the commissioner, in such district.

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

f. "Institution of higher education" means a New York state public or not-for-profit institution of higher education that has been authorized by the New York state board of regents to award post-secondary degrees.

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, except for the licensed professions under title eight of this chapter unless otherwise determined by the commissioner, finance, and math-related careers through a six-year academic program that combines high school, college, and career training. Funding shall first be available to previously funded or approved NYS P-TECH Programs that meet the requirements under paragraph b of this subdivision, and remaining funds shall be available for new programs.

b. Notwithstanding any other provision of law to the contrary, a previously funded NYS P-TECH Program or an approved NYS P-TECH Program shall continue to be eligible for funding under this section and shall not have to compete for funding under this section provided that:

(i) the program has been continuously awarded funding by the department in accordance with all applicable laws; and

(ii) such program demonstrates that it continues to be a successful NYS P-TECH Program by meeting certain benchmarks and program requirements as prescribed by the department consistent with the intent and purpose of the request for proposals process and the terms of any

program agreement under which such program is funded. 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 establishment of timelines to meet program standards, a limitation of enrollment, termination of the grant, 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. Monies made available under this section may also be spent to implement a corrective action plan issued under this section and/or for tuition, books and fees for non-remedial credit-bearing college courses at an institution of higher education for students who were enrolled in NYS P-TECH Program that subsequently closes before the student completes the program; provided such student is taking comparable courses to what was offered in the NYS P-TECH program as determined by the commissioner.

c. Any eligible applicant whose NYS P-TECH Program was previously funded or approved pursuant to a request for proposals process shall be required to compete for funds under this section if such applicant is proposing to offer a new NYS P-TECH Program, as determined by the commissioner.

d. School districts shall provide all students with disabilities and English language learners enrolled in a NYS P-TECH Program with any support services and programs required under all applicable federal and state laws and regulations.

e. The higher education institution shall not independently change or eliminate courses that the student needs to complete their program to receive an associate degree in the academic area that they originally enrolled in unless otherwise approved by the student and each NYS P-TECH partner.

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, manufacturing, healthcare, except for the licensed professions under title eight of this chapter, finance 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, board of cooperative educational services or institution or institutions of higher education 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.

§ 3. This act shall take effect on the thirtieth day after 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.