

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:

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.

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

LBD10165-03-9

1 The New York State P-TECH program, through a public-private partner-
2 ship, prepares thousands of New York students for high-skill jobs of the
3 future in fields including, but not limited to, science, technology,
4 engineering, manufacturing, healthcare, except for the licensed
5 professions under Title VIII of the education law, finance and math-re-
6 lated career areas. The New York State P-TECH program provides students
7 with a rigorous, relevant and cost-free high school and college educa-
8 tion and a workplace learning environment with ongoing mentoring by
9 professionals in the chosen career sector to better prepare these
10 students for successful careers. Students also receive a commitment from
11 the participating employer to be first in line for an opportunity for a
12 job following completion of the program. Ultimately, this program
13 increases graduation rates both at the high school and college levels
14 and provides essential career training for academically at-risk, disad-
15 vantaged students, which at the completion of the program improves
16 students' readiness for employment in a 21st century workplace.

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

26 § 2. The education law is amended by adding two new sections 6457 and
27 6458 to read as follows:

28 § 6457. Grant awards for New York State Smart Scholars Early College
29 High School Programs. 1. For the purposes of this section:

30 a. "NYS Smart Scholars Early College High School Program" or "NYS
31 Smart Scholars ECHS Program" means a formal partnership between a school
32 district or a board of cooperative educational services and at least one
33 institution of higher education, which provides eligible students
34 enrolled in such program with high school courses leading to the grant-
35 ing of a high school diploma, and college-level courses leading to the
36 granting of at least twenty-four college credits and up to a post-secon-
37 dary degree or diploma from such partner institution or institutions of
38 higher education at no cost to the student or the student's family. A
39 formal partnership may include a for-profit degree granting institution
40 of higher education registered with the department if such institution
41 was included in a partnership of a previously funded NYS Smart Scholars
42 Early College High School Program, and such partnership was approved by
43 the commissioner pursuant to a request for proposals process prior to
44 the effective date of this section.

45 b. "Approved NYS Smart Scholars Early College High School program"
46 means a NYS Smart Scholars Early College High School Program, and such
47 program was approved by the commissioner in accordance with the regu-
48 lations of the commissioner and any request for proposals issued under
49 this section.

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

1 but all partnerships must include a school district or a board of coop-
2 erative educational services, and an institution of higher education.

3 d. "Eligible student" means a student who is a resident of a partner-
4 ing school district, or a resident of a component district of a partner-
5 ing board of cooperative educational services, and is enrolled, as
6 defined in regulations of the commissioner, in such district.

7 e. "Previously funded NYS Smart Scholars Early College High School
8 Program" means a NYS Smart Scholars Early College High School Program
9 that was approved by the commissioner in any request for proposals proc-
10 ess before the effective date of this section.

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

14 2. a. For the purposes of increasing high school graduation rates for
15 academically at-risk and/or economically disadvantaged students, and
16 increasing their participation in post-secondary education through a
17 network of early college high school partnerships in the state, the
18 commissioner shall, subject to an appropriation and the procedures
19 established in this section, allocate funds available for NYS Smart
20 Scholars ECHS Programs. Funding shall first be available to previously
21 funded or approved NYS Smart Scholars ECHS Programs that meet the
22 requirements under paragraph b of this subdivision, and remaining funds
23 shall be available for new NYS Smart Scholars ECHS Programs.

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

29 (i) the program has been continuously awarded funding by the depart-
30 ment in accordance with all applicable laws; and

31 (ii) such program demonstrates that it continues to be a successful
32 NYS Smart Scholars Early College High School Program by meeting certain
33 benchmarks and program requirements as prescribed by the department
34 consistent with the intent and purpose of the request for proposals
35 process and the terms of any program agreement under which such program
36 is funded. If the program fails to meet such benchmarks and program
37 requirements, it may be subject to certain corrective action as
38 described in regulations of the commissioner, which may include but not
39 be limited to establishment of timelines to meet program standards, a
40 limitation of enrollment, termination of the contract and/or grant,
41 closure of the program, and/or requiring a teach-out agreement with an
42 approved NYS Smart Scholars Early College High School Program to
43 describe how students will be transferred to such program upon closure.
44 Monies made available under this section may be spent to implement a
45 corrective action plan issued under this section and/or for tuition,
46 books and fees for non-remedial, credit-bearing college courses at an
47 institution of higher education for students who were enrolled in a NYS
48 Smart Scholars Early College High School Program that subsequently clos-
49 es before the student completes the program; provided such student is
50 taking comparable courses to what was offered in the Smart Scholars ECHS
51 Program as determined by the commissioner.

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

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

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

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

13 c. Eligible applicants shall file an application for approval by the
14 commissioner in a timeframe and manner prescribed by the commissioner,
15 demonstrating a need for such funding, including how the funding would
16 be used and how many students would be assisted with such funding.
17 Successful applicants will be funded as provided in accordance with the
18 request for proposals process.

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

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

24 (ii) for student recruitment activities;

25 (iii) to provide professional development to promote the NYS Smart
26 Scholars ECHS Program, including cross-curriculum development between
27 secondary and post-secondary education partners to ensure curriculum
28 alignment that prepares students to succeed in college-level courses
29 while in high school;

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

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

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

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

42 b. No funds spent pursuant to this section shall be made available to
43 support the regular academic programs of any school district, board of
44 cooperative educational services or institution or institutions of high-
45 er education participating in this program, nor shall funds be provided
46 for programs which are incompatible with the regents plan for the expan-
47 sion and development of higher education in this state.

48 § 6458. Grant awards for New York State pathways in technology early
49 college high school programs. 1. For the purposes of this section:

50 a. "NYS Pathways in Technology Early College High School Program" or
51 "NYS P-TECH Program" means a program which provides eligible students
52 enrolled in such program with high school courses leading to the grant-
53 ing of a high school diploma, college-level courses leading to the
54 granting of a post-secondary degree at a partnering institution of high-
55 er education, and career training with an eligible partnering employer.

1 Such program is operated by a New York state school district or a board
2 of cooperative educational services that forms a partnership with:

3 (i) one or more New York state institutions of higher education
4 provided that at least one institution of higher education offers a
5 registered associate level degree program that is the industry standard
6 for the targeted jobs, linked to the goals of the NYS P-TECH Program,
7 and which awards the degree at no cost to the student or the student's
8 family; and

9 (ii) a regional New York state employer or consortium of employers
10 from related sectors and/or industry/entity/association that requires
11 skilled employees which will utilize the knowledge and skills obtained
12 from the secondary and post-secondary programs, and agrees to grant
13 students who successfully complete the program with the opportunity to
14 be first in line for a job.

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

19 c. "Eligible applicant" means a New York state school district,
20 including those districts with career and technical high schools, or a
21 board of cooperative educational services, either of which may serve as
22 the fiscal agent. The eligible applicant may work in cooperation with
23 other school districts, a board of cooperative educational services, or
24 any combination of these as a consortium applicant.

25 d. "Eligible student" means a student who is a resident of a partner-
26 ing district, or a resident of a component district of a partnering
27 board of cooperative educational services and is enrolled, as defined in
28 regulations of the commissioner, in such district.

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

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

35 2. a. Subject to an appropriation and the procedures established in
36 this section, the commissioner shall allocate the funds available for
37 NYS P-TECH Programs for the purposes of preparing eligible academically
38 at-risk and/or economically disadvantaged students for high-skill jobs
39 including, but not limited to those in science, technology, engineering,
40 manufacturing, healthcare, except for the licensed professions under
41 title eight of this chapter unless otherwise determined by the commis-
42 sioner, finance, and math-related careers through a six-year academic
43 program that combines high school, college, and career training. Fund-
44 ing shall first be available to previously funded or approved NYS P-TECH
45 Programs that meet the requirements under paragraph b of this subdivi-
46 sion, and remaining funds shall be available for new programs.

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

51 (i) the program has been continuously awarded funding by the depart-
52 ment in accordance with all applicable laws; and

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

1 program agreement under which such program is funded. If the program
2 fails to meet such benchmarks and program requirements, it may be
3 subject to certain corrective action as described in regulations of the
4 commissioner, which may include but not be limited to establishment of
5 timelines to meet program standards, a limitation of enrollment, termi-
6 nation of the grant, closure of the program, and/or requiring a teach-
7 out agreement with an approved NYS P-TECH Program to describe how
8 students will be transferred to such program upon closure. Monies made
9 available under this section may also be spent to implement a corrective
10 action plan issued under this section and/or for tuition, books and fees
11 for non-remedial credit-bearing college courses at an institution of
12 higher education for students who were enrolled in NYS P-TECH Program
13 that subsequently closes before the student completes the program;
14 provided such student is taking comparable courses to what was offered
15 in the NYS P-TECH program as determined by the commissioner.

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

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

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

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

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

38 c. Eligible applicants shall file an application for approval by the
39 commissioner in a timeframe and manner prescribed by the commissioner,
40 demonstrating a need for such funding, including how the funding would
41 be used and how many students would be assisted with such funding.
42 Successful applicants will be funded in accordance with the regulations
43 of the commissioner.

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

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

49 (ii) for an existing evidence-based and/or standards based curriculum
50 including but not limited to a focus on a career in science, technology,
51 engineering, manufacturing, healthcare, except for the licensed
52 professions under title eight of this chapter, finance or math-related
53 career area within a NYS P-TECH Program;

54 (iii) for recruitment activities for eligible students;

55 (iv) to provide professional development to promote the NYS P-TECH
56 Program, including cross-curriculum development between partners and to

1 ensure curriculum alignment that prepares students to succeed in
2 college-level courses while in high school and during career training;

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

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

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

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

18 (ix) for transportation for eligible students to take courses and
19 participate in activities at the NYS P-TECH site, at partner employers'
20 locations, and at the partner campus of the higher education partner;
21 and

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

25 b. No funds pursuant to this section shall be made available to
26 support the regular academic programs of any school district, board of
27 cooperative educational services or institution or institutions of high-
28 er education participating in this program, nor shall funds be provided
29 for programs which are incompatible with the regents plans for the
30 expansion and development of higher education in this state.

31 § 3. This act shall take effect on the thirtieth day after it shall
32 have become a law. Effective immediately the addition, amendment and/or
33 repeal of any rule or regulation necessary for the implementation of
34 this act on its effective date are authorized to be made on or before
35 such date.