

# STATE OF NEW YORK

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6825

2021-2022 Regular Sessions

## IN SENATE

May 18, 2021

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

LBD08510-01-1

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.