

STATE OF NEW YORK

7464

2023-2024 Regular Sessions

IN SENATE

May 30, 2023

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 and career
8 preparation/readiness opportunities at the high school level with the
9 combined support of high school and college staff and resources, and for
10 P-TECH programs, career training and employment in a highly skilled job
11 upon completion of the program. The New York State Smart Scholars early
12 college high school program not only increases students' access to high-
13 er education, but also reduces potential costs for students in complet-
14 ing college degrees by allowing them to either complete a degree upon
15 graduation from high school or to apply their earned college credits
16 towards an associate's or baccalaureate's degree. This innovative
17 program provides incentives to high school students to proceed to
18 college and to earn a college degree by accelerating their overall
19 completion of a degree. It also better prepares them for college-level
20 coursework, which, will in turn, increase their academic performance.
21 Ultimately, this program increases graduation rates both at the high
22 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 unless otherwise determined by the commissioner of education, 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. Title 7 of the education law is amended by adding a new article 130-A to read as follows:

ARTICLE 130-A

COLLEGE CREDIT OPPORTUNITY PROGRAMS

Section 6457. Grant awards for New York State Smart Scholars Early College High School Programs.

6458. Grant awards for New York State Pathways in Technology Early College High School Programs.

§ 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 twelve 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.

1 c. "Eligible applicant" means a New York state school district, a
2 board of cooperative educational services, or institution of higher
3 education, in a partnership for the purpose of offering a NYS Smart
4 Scholars Early College High School Program to eligible students, any of
5 which may serve as the fiscal agent. The eligible applicant's partner-
6 ship may include one or more school districts, a board of cooperative
7 educational services, or one or more institutions of higher education
8 but all partnerships must include a school district or a board of coop-
9 erative educational services, and an institution of higher education.

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

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

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

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

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

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

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

1 taking comparable courses to what was offered in the Smart Scholars ECHS
2 Program as determined by the commissioner.

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

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

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

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

20 c. Eligible applicants shall file an application for approval by the
21 commissioner in a timeframe and manner prescribed by the commissioner,
22 demonstrating a need for such funding, including how the funding would
23 be used and how many students would be assisted with such funding.
24 Successful applicants will be funded as provided in accordance with the
25 request for proposals process.

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

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

31 (ii) for student recruitment activities;

32 (iii) to provide professional development to promote the NYS Smart
33 Scholars ECHS Program, including cross-curriculum development between
34 secondary and post-secondary education partners to ensure curriculum
35 alignment that prepares students to succeed in college-level courses
36 while in high school;

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

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

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

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

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

55 § 6458. Grant awards for New York State Pathways in Technology Early
56 College High School Programs. 1. For the purposes of this section:

1 a. "NYS Pathways in Technology Early College High School Program" or
2 "NYS P-TECH Program" means a program which provides eligible students
3 enrolled in such program with high school courses leading to the grant-
4 ing of a high school diploma, college-level courses leading to the
5 granting of an associate degree, or a recognized industry certification
6 aligned to career readiness standards approved by the department, at a
7 partnering institution of higher education, and career training with an
8 eligible partnering employer. Such program is operated by a New York
9 state school district or a board of cooperative educational services
10 that forms a partnership with:

11 (i) one or more New York state institutions of higher education
12 provided that at least one institution of higher education offers a
13 registered associate level degree program that is the industry standard
14 for the targeted jobs, linked to the goals of the NYS P-TECH Program, or
15 offers a program leading to a recognized industry certification aligned
16 to career readiness standards approved by the department, and which
17 awards the degree or certification at no cost to the student or the
18 student's family; and

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

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

29 c. "Eligible applicant" means a New York state school district,
30 including those districts with career and technical high schools, or a
31 board of cooperative educational services, either of which may serve as
32 the fiscal agent. The eligible applicant may work in cooperation with
33 other school districts, a board of cooperative educational services, or
34 any combination of these as a consortium applicant.

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

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

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

45 2. a. Subject to an appropriation and the procedures established in
46 this section, the commissioner shall allocate the funds available for
47 NYS P-TECH Programs for the purposes of preparing eligible academically
48 at-risk and/or economically disadvantaged students for high-skill jobs
49 including, but not limited to those in science, technology, engineering,
50 manufacturing, healthcare, except for the licensed professions under
51 title eight of this chapter unless otherwise determined by the commis-
52 sioner, finance, teaching, the arts, computer science, and math-related
53 careers through an academic program that combines high school, college,
54 and career training that may extend up to two years beyond a student's
55 completion of graduation requirements. Funding shall first be available
56 to previously funded or approved NYS P-TECH Programs that meet the

1 requirements under paragraph b of this subdivision, and remaining funds
2 shall be available for new programs.

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

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

9 (ii) such program demonstrates that it continues to be a successful
10 NYS P-TECH Program by meeting certain benchmarks and program require-
11 ments as prescribed by the department consistent with the intent and
12 purpose of the request for proposals process and the terms of any
13 program agreement under which such program is funded. If the program
14 fails to meet such benchmarks and program requirements, it may be
15 subject to certain corrective action as described in regulations of the
16 commissioner, which may include but not be limited to establishment of
17 timelines to meet program standards, a limitation of enrollment, termi-
18 nation of the grant, closure of the program, and/or requiring a teach-
19 out agreement with an approved NYS P-TECH Program to describe how
20 students will be transferred to such program upon closure. Monies made
21 available under this section may also be spent to implement a corrective
22 action plan issued under this section and/or for tuition, books and fees
23 for non-remedial credit-bearing college courses at an institution of
24 higher education for students who were enrolled in NYS P-TECH Program
25 that subsequently closes before the student completes the program;
26 provided such student is taking comparable courses to what was offered
27 in the NYS P-TECH program as determined by the commissioner.

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

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

37 e. The higher education institution shall not independently change or
38 eliminate courses that the student needs to complete their program to
39 receive an associate degree in the academic area or a recognized indus-
40 try certification aligned to career readiness standards that they
41 originally enrolled in unless otherwise approved by the student and each
42 NYS P-TECH partner.

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

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

51 c. Eligible applicants shall file an application for approval by the
52 commissioner in a timeframe and manner prescribed by the commissioner,
53 demonstrating a need for such funding, including how the funding would
54 be used and how many students would be assisted with such funding.
55 Successful applicants will be funded in accordance with the regulations
56 of the commissioner.

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

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

6 (ii) for an existing evidence-based and/or standards based curriculum
7 including but not limited to a focus on a career in science, technology,
8 engineering, manufacturing, healthcare, except for the licensed
9 professions under title eight of this chapter unless otherwise deter-
10 mined by the commissioner, finance or math-related career area within a
11 NYS P-TECH Program;

12 (iii) for recruitment activities for eligible students;

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

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

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

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

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

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

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

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

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