

5973

2015-2016 Regular Sessions

I N S E N A T E

June 14, 2015

Introduced by Sen. FLANAGAN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend chapter 91 of the laws of 2002 amending the education law and other laws relating to the reorganization of the New York city school construction authority, board of education and community boards, in relation to the effectiveness of certain provisions of such chapter; to amend chapter 345 of the laws of 2009 amending the education law relating to the New York city board of education, chancellor, community councils and community superintendents, in relation to the effectiveness of certain provisions of such chapter; and to amend the education law, in relation to the New York city community school district system

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 34 of chapter 91 of the laws of 2002 amending the
2 education law and other laws relating to the reorganization of the New
3 York city school construction authority, board of education and communi-
4 ty boards, as amended by chapter 345 of the laws of 2009, is amended to
5 read as follows:
6 S 34. This act shall take effect July 1, 2002; provided, that sections
7 one through twenty, twenty-four, and twenty-six through thirty of this
8 act shall expire and be deemed repealed June 30, [2015] 2016; provided,
9 further, that notwithstanding any provision of article 5 of the general
10 construction law, on June 30, [2015] 2016 the provisions of subdivisions
11 3, 5, and 8, paragraph b of subdivision 13, subdivision 14, paragraphs
12 b, d, and e of subdivision 15, and subdivisions 17 and 21 of section
13 2554 of the education law as repealed by section three of this act,
14 subdivision 1 of section 2590-b of the education law as repealed by
15 section six of this act, paragraph (a) of subdivision 2 of section
16 2590-b of the education law as repealed by section seven of this act,
17 section 2590-c of the education law as repealed by section eight of this

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

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1 act, paragraph c of subdivision 2 of section 2590-d of the education law
2 as repealed by section twenty-six of this act, subdivision 1 of section
3 2590-e of the education law as repealed by section twenty-seven of this
4 act, subdivision 28 of section 2590-h of the education law as repealed
5 by section twenty-eight of this act, subdivision 30 of section 2590-h of
6 the education law as repealed by section twenty-nine of this act, subdi-
7 vision 30-a of section 2590-h of the education law as repealed by
8 section thirty of this act shall be revived and be read as such
9 provisions existed in law on the date immediately preceding the effec-
10 tive date of this act; provided, however, that sections seven and eight
11 of this act shall take effect on November 30, 2003; provided further
12 that the amendments to subdivision 25 of section 2554 of the education
13 law made by section two of this act shall be subject to the expiration
14 and reversion of such subdivision pursuant to section 12 of chapter 147
15 of the laws of 2001, as amended, when upon such date the provisions of
16 section four of this act shall take effect.

17 S 2. Subdivision 12 of section 17 of chapter 345 of the laws of 2009
18 amending the education law relating to the New York city board of educa-
19 tion, chancellor, community councils, and community superintendents, is
20 amended to read as follows:

21 12. any provision in sections one, two, three, four, five, six, seven,
22 eight, nine, ten and eleven of this act not otherwise set to expire
23 pursuant to section 34 of chapter 91 of the laws of 2002, as amended, or
24 section 17 of chapter 123 of the laws of 2003, as amended, shall expire
25 and be deemed repealed June 30, [2015] 2016.

26 S 3. Section 2851 of the education law is amended by adding a new
27 subdivision 5 to read as follows:

28 5. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, IN A CITY
29 HAVING A POPULATION OF ONE MILLION OR MORE INHABITANTS, A CHARTER SCHOOL
30 APPROVED PURSUANT TO PARAGRAPH (A) OF SUBDIVISION THREE OF THIS SECTION
31 MAY APPLY AT ANY TIME TO ANOTHER CHARTER ENTITY DEFINED IN PARAGRAPH (B)
32 OR (C) OF SUBDIVISION THREE OF THIS SECTION TO REQUEST SUCH OTHER CHAR-
33 TER ENTITY TO OVERSEE AND SUPERVISE SUCH CHARTER SCHOOL. ALL OBLIGATIONS
34 OF THE CHANCELLOR TO OVERSEE AND SUPERVISE A CHARTER SCHOOL SHALL TERMI-
35 NATE UPON SUCH CHARTER SCHOOL ENTERING INTO A CHARTER AGREEMENT, AS
36 DEFINED IN SUBDIVISION FIVE OF SECTION TWENTY-EIGHT HUNDRED FIFTY-TWO OF
37 THIS ARTICLE, WITH ANOTHER CHARTER ENTITY, AND THE CHANCELLOR SHALL
38 PROVIDE IN A TIMELY FASHION INFORMATION RELEVANT TO THE CHARTER AS
39 REQUESTED BY SUCH OTHER CHARTER ENTITY.

40 S 4. Subdivisions 9 and 9-a of section 2852 of the education law,
41 subdivision 9 as amended and subdivision 9-a as added by chapter 101 of
42 the laws of 2010, paragraph (a) of subdivision 9-a as amended by chapter
43 221 of the laws of 2010, paragraph (f) of subdivision 9-a as amended by
44 chapter 102 of the laws of 2010, are amended to read as follows:

45 9. The total number of charters issued pursuant to this article STATE-
46 WIDE shall not exceed four hundred sixty. (a) [One hundred of such
47 charters shall be issued on the recommendation of the charter entity
48 described in paragraph (b) of subdivision three of section twenty-eight
49 hundred fifty-one of this article; (b) one hundred of such charters
50 shall be issued on the recommendation of the other charter entities set
51 forth in subdivision three of section twenty-eight hundred fifty-one of
52 this article; (c) up to fifty of the additional charters authorized to
53 be issued by the chapter of the laws of two thousand seven which amended
54 this subdivision effective July first, two thousand seven shall be
55 reserved for a city school district of a city having a population of one
56 million or more; (d) one hundred thirty charters shall be issued by the

1 board of regents pursuant to a competitive process in accordance with
2 subdivision nine-a of this section, provided that no more than fifty-
3 seven of such charters shall be granted to a charter for a school to be
4 located in a city having a population of one million or more; (e) one
5 hundred thirty charters shall be issued by the board of regents on the
6 recommendation of the board of trustees of the state university of New
7 York pursuant to a competitive process in accordance with subdivision
8 nine-a of this section, provided that no more than fifty-seven of such
9 charters shall be granted to a charter for a school to be located in a
10 city having a population of one million or more] ALL CHARTERS ISSUED ON
11 OR AFTER FEBRUARY FIRST, TWO THOUSAND FIFTEEN AND COUNTED TOWARD THE
12 NUMERICAL LIMITS ESTABLISHED BY THIS SUBDIVISION SHALL BE ISSUED BY THE
13 BOARD OF REGENTS UPON APPLICATION DIRECTLY TO THE BOARD OF REGENTS OR ON
14 THE RECOMMENDATION OF THE BOARD OF TRUSTEES OF THE STATE UNIVERSITY OF
15 NEW YORK PURSUANT TO A COMPETITIVE PROCESS IN ACCORDANCE WITH SUBDIVI-
16 SION NINE-A OF THIS SECTION. The failure of any body to issue the regu-
17 lations authorized pursuant to this article shall not affect the author-
18 ity of a charter entity to propose a charter to the board of regents or
19 the board of regents' authority to grant such charter. A conversion of
20 an existing public school to a charter school or the renewal or exten-
21 sion of a charter APPROVED BY ANY CHARTER ENTITY shall not be counted
22 toward the numerical limits established by this subdivision.

23 (B) A CHARTER SCHOOL WHOSE CHARTER HAS BEEN SURRENDERED, REVOKED OR
24 TERMINATED, INCLUDING A CHARTER THAT HAS NOT BEEN RENEWED BY ACTION OF
25 ITS CHARTER ENTITY, SHALL NOT BE COUNTED TOWARD THE NUMERICAL LIMITS
26 ESTABLISHED BY THIS SUBDIVISION AND INSTEAD SHALL BE RETURNED TO THE
27 STATEWIDE POOL AND MAY BE REISSUED BY THE BOARD OF REGENTS EITHER UPON
28 APPLICATION DIRECTLY TO THE BOARD OF REGENTS OR ON THE RECOMMENDATION OF
29 THE BOARD OF TRUSTEES OF THE STATE UNIVERSITY OF NEW YORK PURSUANT TO A
30 COMPETITIVE PROCESS IN ACCORDANCE WITH SUBDIVISION NINE-A OF THIS
31 SECTION.

32 (C) FOR PURPOSES OF DETERMINING THE TOTAL NUMBER OF CHARTERS ISSUED
33 WITHIN THE NUMERICAL LIMITS ESTABLISHED BY THIS SUBDIVISION, THE
34 APPROVAL DATE OF THE CHARTERING ENTITY SHALL BE THE DETERMINING FACTOR.

35 9-a. (a) The board of regents is hereby authorized and directed to
36 issue [two] UP TO FOUR hundred sixty charters UPON EITHER APPLICATIONS
37 SUBMITTED DIRECTLY TO THE BOARD OF REGENTS OR APPLICATIONS RECOMMENDED
38 BY THE BOARD OF TRUSTEES OF THE STATE UNIVERSITY OF NEW YORK pursuant to
39 a competitive request for proposals process.

40 [(i) Commencing on August first, two thousand ten through September
41 first, two thousand thirteen, the board of regents and the board of
42 trustees of the state university of New York shall each issue a request
43 for proposals in accordance with this subdivision and this subparagraph:

44 (1) Each request for proposals to be issued by the board of regents
45 and the board of trustees of the state university of New York on August
46 first, two thousand ten shall be for a maximum of thirty-two charters to
47 be issued for charter schools which would commence instructional opera-
48 tion by the September of the next calendar year.

49 (2) Each request for proposals to be issued by the board of regents
50 and the board of trustees of the state university of New York on January
51 first, two thousand eleven shall be for a maximum of thirty-three char-
52 ters to be issued for charter schools which would commence instructional
53 operation by the September of the next calendar year.

54 (3) Each request for proposals to be issued by the board of regents
55 and the board of trustees of the state university of New York on January
56 first, two thousand twelve shall be for a maximum of thirty-two charters

1 to be issued for charter schools which would commence instructional
2 operation by the September of the next calendar year.

3 (4) Each request for proposals to be issued by the board of regents
4 and the board of trustees of the state university of New York on Septem-
5 ber first, two thousand thirteen shall be for a maximum of thirty-three
6 charters to be issued for charter schools which would commence instruc-
7 tional operation by the September of the next calendar year.

8 (ii) If after September first, two thousand thirteen, either the board
9 of regents or the board of trustees of the state university of New York
10 have any charters which have not yet been issued, they may be issued
11 pursuant to requests for proposals issued in each succeeding year, with-
12 out limitation as to when such requests for proposals may be issued, or
13 a limitation on the number of charters which may be issued.

14 (iii) Notwithstanding the provisions of clauses one, two, three and
15 four of subparagraph (i) of this paragraph and subparagraph (ii) of this
16 paragraph, if fewer charters are issued than were requested in such
17 request for proposals, the difference may be added to the number of
18 charters requested in the request for proposals issued in each succeed-
19 ing year.

20 (iv)] The board of regents shall make a determination to issue a char-
21 ter pursuant to a request for proposals no later than December thirty-
22 first of each year.

23 (b) The board of regents and the board of trustees of the state
24 university of New York shall each develop such request for proposals in
25 a manner that facilitates a thoughtful review of charter school applica-
26 tions, considers the demand for charter schools by the community, and
27 seeks to locate charter schools in a region or regions where there may
28 be a lack of alternatives and access to charter schools would provide
29 new alternatives within the local public education system that would
30 offer the greatest educational benefit to students. Applications shall
31 be evaluated in accordance with the criteria and objectives contained
32 within a request for proposals. The board of regents and the board of
33 trustees of the state university of New York shall not consider any
34 applications which do not rigorously demonstrate that they have met the
35 following criteria:

36 (i) that the proposed charter school would meet or exceed enrollment
37 and retention targets, as prescribed by the board of regents or the
38 board of trustees of the state university of New York, as applicable, of
39 students with disabilities, English language learners, and students who
40 are eligible applicants for the free and reduced price lunch program.
41 When developing such targets, the board of regents and the board of
42 trustees of the state university of New York, shall ensure (1) that such
43 enrollment targets are comparable to the enrollment figures of such
44 categories of students attending the public schools within the school
45 district, or in a city school district in a city having a population of
46 one million or more inhabitants, the community school district, in which
47 the proposed charter school would be located; and (2) that such
48 retention targets are comparable to the rate of retention of such cate-
49 gories of students attending the public schools within the school
50 district, or in a city school district in a city having a population of
51 one million or more inhabitants, the community school district, in which
52 the proposed charter school would be located; and

53 (ii) that the applicant has conducted public outreach, in conformity
54 with a thorough and meaningful public review process prescribed by the
55 board of regents and the board of trustees of the state university of
56 New York, to solicit community input regarding the proposed charter

1 school and to address comments received from the impacted community
2 concerning the educational and programmatic needs of students.

3 (c) The board of regents and the board of trustees of the state
4 university of New York shall grant priority based on a scoring rubric to
5 those applications that best demonstrate how they will achieve the
6 following objectives, and any additional objectives the board of regents
7 and the board of trustees of the state university of New York, may
8 prescribe:

9 (i) increasing student achievement and decreasing student achievement
10 gaps in reading/language arts and mathematics;

11 (ii) increasing high school graduation rates and focusing on serving
12 specific high school student populations including, but not limited to,
13 students at risk of not obtaining a high school diploma, re-enrolled
14 high school drop-outs, and students with academic skills below grade
15 level;

16 (iii) focusing on the academic achievement of middle school students
17 and preparing them for a successful transition to high school;

18 (iv) utilizing high-quality assessments designed to measure a
19 student's knowledge, understanding of, and ability to apply, critical
20 concepts through the use of a variety of item types and formats;

21 (v) increasing the acquisition, adoption, and use of local instruc-
22 tional improvement systems that provide teachers, principals, and admin-
23 istrators with the information and resources they need to inform and
24 improve their instructional practices, decision-making, and overall
25 effectiveness;

26 (vi) partnering with low performing public schools in the area to
27 share best educational practices and innovations;

28 (vii) demonstrating the management and leadership techniques necessary
29 to overcome initial start-up problems to establish a thriving, finan-
30 cially viable charter school;

31 (viii) demonstrating the support of the school district in which the
32 proposed charter school will be located and the intent to establish an
33 ongoing relationship with such school district.

34 (d) No later than November first, two thousand ten, and of each
35 succeeding year, after a thorough review of applications received, the
36 board of trustees of the state university of New York shall recommend
37 for approval to the board of regents the qualified applications that it
38 has determined rigorously demonstrate the criteria and best satisfy the
39 objectives contained within a request for proposals, along with support-
40 ing documentation outlining such determination.

41 (e) Upon receipt of a proposed charter to be issued pursuant to this
42 subdivision submitted by a charter entity, the board of regents or the
43 board of trustees of the state university of New York, shall review,
44 recommend and issue, as applicable, such charters in accordance with the
45 standards established in this subdivision.

46 (f) The board of regents shall be the only entity authorized to issue
47 a charter pursuant to this article. The board of regents shall consider
48 applications submitted directly to the board of regents and applications
49 recommended by the board of trustees of the state university of New
50 York. Provided, however, that all such recommended applications shall be
51 deemed approved and issued pursuant to the provisions of subdivisions
52 five, five-a and five-b of this section.

53 (g) Each application submitted in response to a request for proposals
54 pursuant to this subdivision shall also meet the application require-
55 ments set out in this article and any other applicable laws, rules and
56 regulations.

(h) During the development of a request for proposals pursuant to this subdivision the board of regents and the board of trustees of the state university of New York shall each afford the public an opportunity to submit comments and shall review and consider the comments raised by all interested parties.

S 5. Section 2590-q of the education law is amended by adding a new subdivision 19 to read as follows:

19. WITH RESPECT TO SPECIAL, FEDERAL, STATE, AND PRIVATE FUNDS, THE CHANCELLOR SHALL REPORT THE DISTRIBUTION OF SUCH FUNDS BY INDIVIDUAL SCHOOL, AND ON A PER PUPIL BASIS FOR EACH INDIVIDUAL SCHOOL TO THE GOVERNOR, TEMPORARY PRESIDENT OF THE SENATE, SPEAKER OF THE ASSEMBLY, AND SPEAKER OF THE CITY COUNCIL ON OR BEFORE MAY FIRST OF EACH YEAR.

S 6. The opening paragraph of section 2590-r of the education law, as amended by chapter 345 of the laws of 2009, is amended to read as follows:

The chancellor shall, in consultation with the city board and community district superintendents, establish in regulations a comprehensive process of school-based budgeting and expenditure reporting no later than November first, nineteen hundred ninety-eight. ANY REPORT PREPARED IN ACCORDANCE WITH THIS SECTION SHALL BE PUBLICLY AVAILABLE ON THE WEBSITE OF THE NEW YORK CITY DEPARTMENT OF EDUCATION. Notwithstanding any provision of section twenty-five hundred ninety-q of this article to the contrary, such regulations shall include provisions for:

S 7. Section 2590-g of the education law is amended by adding a new subdivision 12-a to read as follows:

12-A. PROVIDE INFORMATION, DATA, ESTIMATES AND STATISTICS REGARDING ALL MATTERS RELATING TO THE CITY DISTRICT, AS REQUESTED BY MEMBERS AND OFFICERS OF THE SENATE, ASSEMBLY, AND GOVERNOR'S OFFICE, IN A TIMELY FASHION. SUCH INFORMATION SHALL BE MAINTAINED AND UPDATED IN A TIMELY FASHION AND SHALL AT A MINIMUM INCLUDE DATA RELATING TO: (A) NEW YORK CITY DEPARTMENT OF EDUCATION SCHOOL CHARACTERISTICS INCLUDING GRADES SERVED, NUMBER OF TEACHERS, STUDENT ENROLLMENT, SCHOOL TYPE, SCHOOL CHARACTERISTICS, QUALITY REVIEW SCORES, GRADUATION RATES AND AVERAGE CLASS SIZE; (B) NEW YORK CITY DEPARTMENT OF EDUCATION PRINCIPAL CHARACTERISTICS INCLUDING CURRENT EMPLOYMENT STATUS, EDUCATION LEVEL, YEARS OF EXPERIENCE AND TENURE STATUS; (C) NEW YORK CITY DEPARTMENT OF EDUCATION TEACHER CHARACTERISTICS INCLUDING CURRENT EMPLOYMENT STATUS, EDUCATION LEVEL, YEARS OF TEACHING EXPERIENCE, TENURE STATUS, SUBJECT AREA TAUGHT, NUMBER OF STUDENTS TAUGHT, NUMBER OF CLASSES TAUGHT PER DAY AND ATTRITION RATE; (D) NEW YORK CITY DEPARTMENT OF EDUCATION STUDENT CHARACTERISTICS INCLUDING GRADE LEVEL, SCHOOL ATTENDANCE, AND OTHER DEMOGRAPHICS; (E) GIFTED AND TALENTED PROGRAMS APPLICATION DATA INCLUDING ADMISSION DECISIONS, STUDENT DEMOGRAPHICS AND STUDENT TEST SCORES; (F) PRE-KINDERGARTEN PROGRAMS INCLUDING PROGRAM LOCATIONS, CAPACITY, STUDENT ENROLLMENT, NUMBER OF TEACHERS, TEACHER CHARACTERISTICS, STUDENT ATTENDANCE, STUDENT DEMOGRAPHICS AND EFFECTIVENESS DATA; (G) FUNDING FOR NEW YORK CITY DEPARTMENT OF EDUCATION SCHOOLS INCLUDING DEPARTMENT FUNDING BY DOLLARS, EXPENDITURES BY CATEGORY AND EXTERNAL FUNDING IN DOLLARS; (H) FUNDING FOR NEW YORK CITY DEPARTMENT OF EDUCATION PROGRAMS INCLUDING DEPARTMENT FUNDING IN DOLLARS, AND EXTERNAL FUNDING IN DOLLARS; AND (I) GENERAL NEW YORK CITY DEPARTMENT OF EDUCATION BUDGET. PROVIDED, HOWEVER, THAT ALL INQUIRIES MADE IN ACCORDANCE WITH THIS SUBDIVISION SHALL COMPLY WITH APPLICABLE STATE AND FEDERAL PRIVACY LAWS.

S 8. Paragraph (b) of subdivision 2 of section 2854 of the education law, as amended by chapter 101 of the laws of 2010, is amended and a new paragraph (b-1) is added to read as follows:

1 (b) Any child who is qualified under the laws of this state for admis-
2 sion to a public school is qualified for admission to a charter school.
3 Applications for admission to a charter school shall be submitted on a
4 uniform application form created by the department and shall be made
5 available by a charter school in languages predominately spoken in the
6 community in which such charter school is located. The school shall
7 enroll each eligible student who submits a timely application by the
8 first day of April each year, unless the number of applications exceeds
9 the capacity of the grade level or building. In such cases, students
10 shall be accepted from among applicants by a random selection process,
11 provided, however, that an enrollment preference shall be provided to
12 pupils returning to the charter school in the second or any subsequent
13 year of operation and pupils residing in the school district in which
14 the charter school is located, and siblings of pupils already enrolled
15 in the charter school.

16 (B-1) THE SCHOOL MAY OFFER AN ENROLLMENT PREFERENCE TO PUPILS WHO ARE
17 THE CHILDREN OF EMPLOYEES OF THE CHARTER SCHOOL, THE EDUCATION CORPO-
18 RATION, OR THE CHARTER MANAGEMENT ORGANIZATION FOR SUCH CHARTER SCHOOL;
19 PROVIDED THAT ANY ENROLLMENT PREFERENCES OFFERED PURSUANT TO THIS PARA-
20 GRAPH SHALL NOT TOGETHER EXCEED TWENTY PERCENT OF NEWLY ADMITTED
21 STUDENTS IN THE APPLICABLE SCHOOL YEAR.

22 (B-2) The commissioner shall establish regulations to require that the
23 random selection process conducted pursuant to this paragraph be
24 performed in a transparent and equitable manner and to require that the
25 time and place of the random selection process be publicized in a manner
26 consistent with the requirements of section one hundred four of the
27 public officers law and be open to the public. For the purposes of this
28 paragraph and paragraph (a) of this subdivision, the school district in
29 which the charter school is located shall mean, for the city school
30 district of the city of New York, the community district in which the
31 charter school is located.

32 S 9. Paragraph (a-1) of subdivision 3 of section 2854 of the education
33 law, as added by chapter 4 of the laws of 1998, is amended to read as
34 follows:

35 (a-1) The board of trustees of a charter school shall employ and
36 contract with necessary teachers, administrators and other school
37 personnel. Such teachers shall be certified in accordance with the
38 requirements applicable to other public schools; provided, however, that
39 a charter school may employ as teachers (i) uncertified teachers with at
40 least three years of elementary, middle or secondary classroom teaching
41 experience; (ii) tenured or tenure track college faculty; (iii) individ-
42 uals with two years of satisfactory experience through the Teach for
43 America program; and (iv) individuals who possess exceptional business,
44 professional, artistic, athletic, or military experience, provided,
45 however, that such teachers described in clauses (i), (ii), (iii), and
46 (iv) of this paragraph shall not in total comprise more than thirty per
47 centum of the teaching staff of a charter school, or five teachers,
48 whichever is [less] GREATER. A teacher certified or otherwise approved
49 by the commissioner shall not be included in the numerical limits estab-
50 lished by the preceding sentence.

51 S 10. Pursuant to a schedule to be developed by the director of the
52 budget, the mayor of the city of New York shall submit an education
53 budget plan, including the overall education funding amount and funding
54 distribution policy, in a form to be developed by the director of the
55 budget, demonstrating how the mayor's proposed education budget will
56 target resources at schools serving students with higher needs to

1 improve student achievement city-wide. Such education budget plan must
2 be approved by the director of the budget, the temporary president of
3 the senate, and the speaker of the assembly prior to the mayor's
4 submission of a proposed executive budget to the New York city council.
5 The final adopted budget, as well as any subsequent modifications, shall
6 be consistent with the approved education budget plan unless any changes
7 are approved by the director of the budget, the temporary president of
8 the senate, and the speaker of the assembly.

9 S 11. This act shall take effect immediately; provided that:

10 1. The amendments to section 2590-q of the education law made by
11 section five of this act shall be deemed to have been in full force and
12 effect on and after January 1, 2012, and shall not affect the expiration
13 of such section and shall expire therewith;

14 2. The amendments to section 2590-r of the education law made by
15 section six of this act shall be deemed to have been in full force and
16 effect on and after January 1, 2012, and shall not affect the expiration
17 of such section and shall expire therewith;

18 3. The amendments to section 2590-g of the education law made by
19 section seven of this act shall be deemed to have been in full force and
20 effect on and after January 1, 2012, and shall not affect the expiration
21 of such section and shall expire therewith.