

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 723 Session of
2007

INTRODUCED BY MUSTO, FONTANA, STOUT, O'PAKE, WASHINGTON, LOGAN,
MELLOW, KASUNIC, C. WILLIAMS, COSTA, KITCHEN, STACK AND
LAVALLE, APRIL 2, 2007

REFERRED TO EDUCATION, APRIL 2, 2007

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," further providing for the use of
6 Pennsylvania accountability grants.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Section 2599.2 of the act of March 10, 1949
10 (P.L.30, No.14), known as the Public School Code of 1949,
11 amended or added December 23, 2003 (P.L.304, No.48), July 4,
12 2004 (P.L.536, No.70), July 13, 2005 (P.L.226, No.46) and July
13 11, 2006 (P.L.1092, No.114), is amended to read:

14 Section 2599.2. Pennsylvania Accountability Grants.--(a)
15 Beginning with the 2004-2005 fiscal year, the department shall
16 establish a program of annual accountability grants for the
17 benefit of students enrolled in each of the Commonwealth's
18 school districts.

19 (a.1) Beginning with the 2007-2008 fiscal year, the

1 department shall establish a program of annual accountability
2 grants for the benefit of children who are younger than the
3 entry age for kindergarten.

4 (b) The grant shall be used by a school district to attain
5 or maintain academic performance targets[. Funds] if awarded
6 under subsection (d.2) or by an approved provider of pre-
7 kindergarten to provide a pre-kindergarten program to ensure
8 school readiness and improve future academic performance under
9 subsection (d.3). In accordance with the provisions of
10 subsection (b.2), funds obtained under [this section] subsection
11 (d.2) may be used for any of the following:

12 (1) Establishing, maintaining or expanding a quality pre-
13 kindergarten program aligned with the current academic standards
14 contained in 22 Pa. Code Ch. 4 (relating to academic standards
15 and assessment).

16 (2) Establishing, maintaining or expanding a quality full-
17 day kindergarten program aligned with the current academic
18 standards contained in 22 Pa. Code Ch. 4. Such programs shall be
19 kept open for five hours each day for the full school term as
20 provided in section 1501. The board of school directors of a
21 school district may offer a full-day kindergarten program to
22 children who are between four and six years old.

23 (3) Establishing, maintaining or expanding a class size
24 reduction program. Such class size reduction program shall
25 appoint and assign a minimum of one teacher for every 17
26 students or two teachers for every 35 students enrolled in a
27 kindergarten, first, second or third grade classroom. All
28 teachers appointed and assigned to teach kindergarten, first,
29 second or third grade shall be certified in accordance with 22
30 Pa. Code Ch. 49 (relating to certification of professional

1 personnel) or its successors. The department shall establish
2 guidelines to assure that no school district satisfies the
3 requirements of this paragraph by making a reduction in, and
4 subsequent increase to, current teacher complement. For purposes
5 of this paragraph, the phrase "one teacher for every 17 students
6 or two teachers for every 35 students enrolled in a
7 kindergarten, first, second or third grade classroom" shall
8 refer to the number of teachers conducting a class at any one
9 time in a classroom containing the applicable number of
10 students.

11 (4) Establishing, expanding or maintaining programs that
12 promote the availability, coordination, integration and
13 utilization of social and health services, associated resources
14 and ancillary resources to meet the needs of children and
15 families in addressing issues that may serve to limit student
16 academic achievement.

17 (5) Notwithstanding the provisions of Article XV-C,
18 providing tutoring assistance during the normal school day and
19 hours of the school district, provided that the tutoring is in
20 addition to and does not interfere with a student's regularly
21 scheduled classroom instruction times and does not supplant
22 services required in a student's individualized education
23 program.

24 (6) Improving the academic performance of subgroups
25 identified under section 1111(b) of the No Child Left Behind Act
26 of 2001.

27 (7) Establishing, expanding or maintaining programs to
28 assist in the building of strong science and applied-knowledge
29 skills.

30 (8) Providing additional programs for continuing

1 professional education that may include any of the following:
2 training in mathematics, science and literacy-specific
3 curriculum and instructional strategies; training in school-wide
4 improvement planning; analysis of student achievement data,
5 including student work and the implications for classroom
6 practice; observing and studying exemplary school and classroom
7 practices; implementing school-wide programs and classroom
8 management strategies designed to improve student conduct; using
9 technology to boost student achievement; conducting transition
10 planning and curriculum alignment across schools and grade
11 levels; or implementing secondary strategies to increase student
12 engagement and personalize learning.

13 (9) Establishing, expanding or maintaining math and literacy
14 coaching programs within schools to improve math and reading
15 instruction.

16 (10) Providing financial incentives to highly qualified,
17 tenured teachers to work in the most academically challenged
18 schools in a school district or providing financial incentives
19 to aid in the recruitment of certificated teachers in
20 mathematics, science, language arts or English as a second
21 language to work in the most academically challenged schools in
22 a school district.

23 (11) Providing such other programs or activities that the
24 board of school directors of a school district determines are
25 essential to achieving or maintaining academic performance
26 targets through the year 2014.

27 (b.1) No subcontract between a school district and a
28 nonprofit organization entered into for the provision of a
29 program or services pursuant to this section may abrogate
30 provisions of a collective bargaining agreement between the

nonprofit organization and its employees.

(b.2) (1) If, for the 2007-2008 school year, the amount of funding that a school district receives under subsection (d.2) exceeds the amount of the grant that it received during the 2005-2006 school year, the school district shall use its additional funds to establish or expand the full-day kindergarten program under subsection (b)(2). For the 2008-2009 school year and each school year thereafter, if the amount of grant funds that a school district receives under subsection (d.2) exceeds the amount that it received during the prior school year under subsection (d.2), the school district shall use its additional grant funds to establish or expand the full-day kindergarten program under subsection (b)(2).

(2) Notwithstanding paragraph (1), for the 2008-2009 school year and each school year thereafter, any school district that established or expanded a full-day kindergarten program during the 2007-2008 school year under this subsection may use the amount of the additional grant funds received in the 2007-2008 school year to maintain that program.

(3) The department shall require each school district to certify as part of the plan submitted under subsection (c)(2) whether the school district will use its additional grant funds in compliance with this subsection.

(4) A school district that does one of the following shall forfeit the right to the additional grant funds received in the 2007-2008 school year under subsection (d.2) and all forfeited funds shall be distributed on a pro rata basis among all school districts that have satisfied the requirements of this subsection:

(i) Chooses in the 2007-2008 school year not to establish or

1 expand a full-day kindergarten program consistent with the
2 requirements of this subsection.

3 (ii) Chooses, in the 2008-2009 school year or thereafter,
4 not to establish, maintain or expand a full-day kindergarten
5 program consistent with the requirements of this subsection.

6 (iii) Submits a plan that does not comply with this section.

7 (c) (1) No later than April 10, 2004, and April 10, 2005,
8 the department shall notify each school district of the grant
9 amount it will receive under subsection (d). No later than April
10 10, 2006[, and April 10 of each school year thereafter,] the
11 department shall notify each school district of the grant amount
12 it will receive under subsection (d.1). No later than April 10,
13 2007, and April 10 of each school year thereafter, the
14 department shall notify each school district of the grant amount
15 that it will receive under subsection (d.2).

16 (2) Within thirty (30) days of receipt of the notification
17 under paragraph (1), the school district shall submit to the
18 department an accountability grant plan. The plan shall include:

19 (i) Reference to the programs or activities under subsection
20 (b) for which the grant funds will be used.

21 (ii) Identification of whether the grant funds will be used
22 to establish, maintain or expand the programs or activities
23 referenced under subparagraph (i).

24 (iii) A brief description of the programs or activities for
25 which the grant funds will be used.

26 (iv) Identification of how additional grant funding provided
27 consistent with subsection (b.2) will be used to establish or
28 expand a full-day kindergarten program or, for the 2008-2009
29 school year and each school year thereafter, how such funding
30 will be used to maintain a full-day kindergarten program that

1 was expanded or established in 2007-2008.

2 (3) (i) Where the accountability grant plan submitted under
3 paragraph (2) proposes to use the grant funds for a program or
4 activity under subsection (b)(11), the department shall have
5 fifteen (15) days from the receipt of the plan to disapprove the
6 use and notify the school district of the reason for the
7 disapproval. Within thirty (30) days of the receipt of notice of
8 disapproval, the school district shall submit a revised
9 accountability grant plan under paragraph (2).

10 (ii) Where the accountability grant plan submitted under
11 paragraph (2) proposes to use the grant funds for a program or
12 activity under subsection (b)(11) and the school district fails
13 to receive notification from the secretary within fifteen (15)
14 days of receipt that its request has been disapproved, the
15 school district may proceed to implement the proposed programs
16 or activities.

17 (4) Where the accountability grant plan submitted under
18 paragraph (2) proposes to use the grant funds for a program or
19 activity under subsection (b)(1), (2), (3), (4), (5), (6), (7),
20 (8), (9) or (10), the department may, within thirty (30) days
21 from the receipt of the plan, make nonbinding recommendations
22 for alternative utilization of the grant funds.

23 (5) No later than February 1, 2005, and February 1 of each
24 year thereafter, the department shall submit a report to the
25 majority and minority chairs of the Appropriations and Education
26 Committees of the Senate and to the majority and minority chairs
27 of the Appropriations and Education Committees of the House of
28 Representatives summarizing the operation of the program for
29 that fiscal year. The report shall include:

30 (i) A description of the operation of the program.

(ii) A summary of the total amount of grant funds paid to school districts used for programs or activities under subsection (b).

(iii) A summary of the uses of grant funds to school districts used for programs or activities under subsection (b).

(iv) An identification of the number of school districts that used grant funds for each of the programs or activities under subsection (b).

(v) A listing of each school district and the program or activity under subsection (b) for which the grant funds were used.

(vi) An identification of the number of school districts that used grant funds to establish, maintain or expand the program or activity for which the grant funds under subsection (b) were used.

(vii) A listing of each school district and whether the grant funds were used to establish, maintain or expand the program or activity for which the grant funds under subsection (b) were used.

(viii) A summary of the use of grant funds awarded under subsection (d.3).

(d) During the 2004-2005 and 2005-2006 school years, the department shall pay to each school district a Pennsylvania Accountability grant equal to the sum of the amounts calculated under paragraphs (1) and (2) as follows:

(1) Each school district shall receive an amount based on the percentage of its students scoring below proficient on the PSSA tests, calculated as follows:

(i) Divide the number of PSSA tests administered in the school district on which students scored below proficient in

1 reading or mathematics during the 2002-2003 school year by the
2 total number of PSSA tests scored in reading and mathematics in
3 the school district during the 2002-2003 school year.

4 (ii) Multiply the quotient from subparagraph (i) by the
5 average daily membership of the school district for the 2002-
6 2003 school year.

7 (iii) Multiply the product from subparagraph (ii) by the
8 market value/income aid ratio of the school district for the
9 2003-2004 school year.

10 (iv) Multiply the product from subparagraph (iii) by one
11 hundred fifty million dollars (\$150,000,000).

12 (v) Divide the product from subparagraph (iv) by the sum of
13 the products of subparagraph (iii) for all school districts.

14 (2) Each school district shall receive an amount based on
15 the percentage of its students scoring at or above proficient on
16 the PSSA tests, calculated as follows:

17 (i) Divide the number of PSSA tests administered in the
18 school district on which students scored at or above proficient
19 in reading or mathematics during the 2002-2003 school year by
20 the total number of PSSA tests scored in reading and mathematics
21 in the school district during the 2002-2003 school year.

22 (ii) Multiply the quotient from subparagraph (i) by the
23 average daily membership of the school district for the 2002-
24 2003 school year.

25 (iii) Multiply the product from subparagraph (ii) by the
26 market value/income aid ratio of the school district for the
27 2003-2004 school year.

28 (iv) Multiply the product from subparagraph (iii) by fifty
29 million dollars (\$50,000,000).

30 (v) Divide the product from subparagraph (iv) by the sum of

1 the products of subparagraph (iii) for all school districts.

2 (3) Grants awarded under this section shall be paid to
3 school districts on the last Thursday of July.

4 (d.1) (1) During the 2006-2007 school year [and each school
5 year thereafter], the department shall pay to each school
6 district a Pennsylvania accountability grant equal to the amount
7 determined in subsection (d) plus the sum of the amounts
8 calculated under paragraphs (2) and (3).

9 (2) Each school district shall receive an amount based on
10 the percentage of its students scoring below proficient on the
11 PSSA tests administered in grades five, eight and eleven,
12 calculated as follows:

13 (i) Divide the number of PSSA tests administered in the
14 school district on which students scored below proficient in
15 reading or mathematics during the 2004-2005 school year by the
16 total number of PSSA tests scored in reading and mathematics in
17 the school district during the 2004-2005 school year.

18 (ii) Multiply the quotient from subparagraph (i) by the
19 average daily membership of the school district for the 2004-
20 2005 school year.

21 (iii) Multiply the product from subparagraph (ii) by the
22 market value/income aid ratio of the school district for the
23 2005-2006 school year.

24 (iv) Multiply the product from subparagraph (iii) by thirty-
25 seven million five hundred thousand dollars (\$37,500,000).

26 (v) Divide the product from subparagraph (iv) by the sum of
27 the products of subparagraph (iii) for all school districts.

28 (3) Each school district shall receive an amount based on
29 the percentage of its students scoring at or above proficient on
30 the PSSA tests administered in grades five, eight and eleven,

1 calculated as follows:

2 (i) Divide the number of PSSA tests administered in the
3 school district on which students scored at or above proficient
4 in reading or mathematics during the 2004-2005 school year by
5 the total number of PSSA tests scored in reading and mathematics
6 in the school district during the 2004-2005 school year.

7 (ii) Multiply the quotient from subparagraph (i) by the
8 average daily membership of the school district for the 2004-
9 2005 school year.

10 (iii) Multiply the product from subparagraph (ii) by the
11 market value/income aid ratio of the school district for the
12 2005-2006 school year.

13 (iv) Multiply the product from subparagraph (iii) by twelve
14 million five hundred thousand dollars (\$12,500,000).

15 (v) Divide the product from subparagraph (iv) by the sum of
16 the products of subparagraph (iii) for all school districts.

17 (4) Grants awarded under this subsection shall be paid to
18 school districts on the last Thursday of July.

19 (d.2) (1) During the 2007-2008 school year and each school
20 year thereafter, the department shall pay to each school
21 district a Pennsylvania accountability grant equal to the amount
22 determined under subsection (d.1) plus the sum of the amounts
23 calculated under paragraphs (2) and (3).

24 (2) Each school district shall receive an amount based on
25 the percentage of its students scoring below proficient on PSSA
26 tests administered in the school district, calculated as
27 follows:

28 (i) Divide the number of PSSA tests administered in the
29 school district on which students scored below proficient in
30 reading or mathematics during the 2005-2006 school year by the

total number of PSSA tests scored in reading and mathematics in the school district during the 2005-2006 school year.

(ii) Multiply the quotient from subparagraph (i) by the average daily membership of the school district for the 2005-2006 school year.

(iii) Multiply the product from subparagraph (ii) by the market value/income aid ratio of the school district for the 2006-2007 school year.

(iv) Multiply the product from subparagraph (iii) by eighteen million seven hundred fifty thousand dollars (\$18,750,000).

(v) Divide the product from subparagraph (iv) by the sum of the products of subparagraph (iii) for all school districts.

(3) Each school district shall receive an amount based on the percentage of its students scoring at or above proficient on PSSA tests administered in the school district, calculated as follows:

(i) Divide the number of PSSA tests administered in the school district on which students scored at or above proficient in reading or mathematics during the 2005-2006 school year by the total number of PSSA tests scored in reading and mathematics in the school district during the 2005-2006 school year.

(ii) Multiply the quotient from subparagraph (i) by the average daily membership of the school district for the 2005-2006 school year.

(iii) Multiply the product from subparagraph (ii) by the market value/income aid ratio of the school district for the 2006-2007 school year.

(iv) Multiply the product from subparagraph (iii) by six million two hundred fifty thousand dollars (\$6,250,000).

(v) Divide the product from subparagraph (iv) by the sum of the products of subparagraph (iii) for all school districts.

(d.3) (1) In the 2007-2008 school year and each school year thereafter, seventy-five million dollars (\$75,000,000) of funds appropriated for annual accountability grants shall be reserved for the Pre-K Counts Program, which is established in the department for the purpose of providing grants to expand pre-kindergarten opportunities for eligible students.

(2) The department shall establish a competitive grant process to award Pre-K Counts funds to eligible providers. Eligible providers may apply on their own or in conjunction with other eligible providers.

(3) In addition to any other requirements set forth by the department, in order to be eligible for a grant under this program, an eligible provider shall agree to all of the following quality program standards:

(i) Pre-kindergarten shall be planned to provide no fewer than 180 days over the course of the school year. A half-day program shall provide no fewer than two and one-half hours of instructional activities per day. A full-day program shall provide no fewer than five hours of instructional activities per day.

(ii) Pre-kindergarten curriculum shall be aligned with early learning standards established by the department.

(iii) The progress of each eligible student shall be measured using an assessment approved by the department.

(iv) Each approved provider shall engage in coordination and partnerships organized for the purpose of community education and outreach on early childhood education, assessing needs and resources, and coordinating and developing strategies to address

1 these issues.

2 (v) Each approved provider shall comply with monitoring
3 requirements issued by the department.

4 (vi) Each approved provider shall adopt and implement a
5 comprehensive disaster response and emergency preparedness plan
6 consistent with 35 Pa.C.S. § 7701 (relating to duties concerning
7 disaster prevention), regardless of whether the provider is a
8 school district, child day care center, group day care home,
9 Head Start or nursery school.

10 (vii) If the program is a full-day program, appropriately
11 timed meals and snacks shall be served. If the program is a
12 half-day program, appropriately timed snacks shall be served.

13 (viii) The requirements of 22 Pa. Code §§ 4.13(c)(12)(I) and
14 (II), (13) and (14) (relating to strategic plans) and 4.20(2),
15 (6), (7), (8) and (11) (relating to prekindergarten education),
16 28 Pa. Code § 27.77 (relating to immunization requirements for
17 children in child care group settings) and 55 Pa. Code §
18 3270.162(b), (c) and (d) (relating to meals) shall apply to each
19 approved provider, regardless of whether the provider is a
20 school district, a child day care center, a group day care home,
21 a Head Start or a nursery school.

22 (4) Priority for the award of grants available under this
23 subsection shall be as follows:

24 (i) For eligible providers seeking funding for their first
25 year of operation under this program, first priority shall be
26 given to eligible providers applying to serve children residing
27 in a school district in which thirty percent (30%) or more of
28 the students on October 31 of the preceding school year were
29 eligible for free or reduced price meals under the school lunch
30 program and who include at-risk children in their targeted

1 enrollment.

2 (ii) For eligible providers seeking funding for their first
3 year of operation, second priority shall be given to eligible
4 providers who do not meet the requirement under subparagraph (i)
5 but who shall target enrollment of eligible students to at-risk
6 children.

7 (iii) For the 2008-2009 school year and each school year
8 thereafter, priority shall be given to renewal of grant
9 applications to approved providers who have operated pre-
10 kindergarten programs under this section in the preceding school
11 year and who have met the program standards and can demonstrate
12 satisfactory implementation of the program as established by the
13 department before consideration of new applications to eligible
14 providers.

15 (5) The department shall do all of the following:

16 (i) Establish early learning standards.

17 (ii) Establish allowable and required grant uses and per
18 pupil funding levels to determine grant awards under this
19 subsection. The per pupil funding level may be adjusted annually
20 and may vary by region.

21 (iii) Issue guidance on developmentally appropriate
22 curriculum and instruction for pre-kindergarten students.

23 (iv) Issue guidance for continuing education and provide
24 that teacher's aides shall complete no fewer than twenty-four
25 (24) hours of continuing professional education each year.

26 (v) Identify one or more approved assessments to be used by
27 approved providers.

28 (vi) Establish requirements to ensure the quality and
29 effectiveness of the program and monitor approved providers,
30 which shall include site visits.

1 (vii) Support the development and maintenance of community
2 coordination and partnerships.

3 (viii) Determine whether each approved provider has met the
4 standards established by the department.

5 (ix) In consultation with the Secretary of Health, establish
6 requirements for health services for pre-kindergarten programs
7 provided under this subsection.

8 (x) Promulgate any regulations necessary to implement the
9 provisions of this subsection. The regulations shall be
10 promulgated in final-omit form as provided in the act of July
11 31, 1968 (P.L.769, No.240), referred to as the "Commonwealth
12 Documents Law."

13 (xi) Perform all other functions necessary to carry out the
14 Pre-K Counts Program.

15 (6) Grants shall be made under this subsection to the extent
16 funds are appropriated by the General Assembly. Grants made
17 under this subsection shall be used to supplement, not supplant,
18 public funds received from any other source.

19 (7) An approved provider who is a school district shall not
20 include eligible students on whose behalf a grant award is made
21 pursuant to this subsection for the purpose of calculating
22 average daily membership.

23 (8) For purposes of this subsection:

24 "Approved provider." An eligible provider who has been
25 approved by the department to offer pre-kindergarten under this
26 subsection.

27 "At-risk children." Those children who, because of their
28 home or community environment, are subject to economic,
29 language, cultural and like disadvantages to cause them to be at
30 risk of academic failure.

1 "Average daily membership." The term shall have the same
2 meaning as in Article XXV.

3 "Eligible provider." Any of the following entities, if the
4 entity complies with all quality program standards established
5 under subsection (d.3)(3):

6 (1) A school district.

7 (2) A Head Star program.

8 (3) A nursery school.

9 (4) A child day care center or a group day care home
10 that has met or exceeded the standards of STAR 2 under the
11 Keystone STARS quality rating system established by the
12 Department of Public Welfare.

13 "Eligible student." A child who is at least three (3) years
14 of age and less than the entry age of kindergarten in the school
15 district of residence.

16 "Head Start." A program funded under the Head Start Act
17 (Public Law 97-35, 42 U.S.C. § 9831 et seq.) and carried out by
18 a Head Start agency that provides ongoing comprehensive child
19 development services.

20 "Instructional activities." Any of the following:

21 (1) Classroom instruction.

22 (2) Orientation.

23 (3) Snack time, meal time and play time, if they are an
24 integral part of the curriculum.

25 (4) Opening exercises.

26 (5) School, group or class educational trips to which
27 admission is not charged to students or parents and a teacher
28 accompanies the students.

29 (6) Student services, such as guidance and counseling
30 services, psychological services, speech pathology and

1 audiology services and student health services.

2 (7) Civil defense, fire, bus evacuation and similar
3 drills.

4 (8) Early dismissal and delayed opening due to inclement
5 weather.

6 "Nursery school." A nursery school that is licensed under
7 the act of January 28, 1988 (P.L.24, No.11), known as the
8 "Private Academic Schools Act."

9 "School lunch program." The National School Lunch Program in
10 7 CFR 210.2 (relating to definitions).

11 (e) All of the following shall apply for grant funds
12 received under subsection (d.2):

13 (1) The department shall establish reporting procedures and
14 auditing guidelines to ensure that grant funds are utilized in
15 accordance with subsection (b).

16 (2) A school district shall maintain separate accounts in
17 its budget to facilitate monitoring the use of the grant funds.

18 (3) In no case shall a school district use grant funds for
19 administrative costs as defined by the department.

20 (4) The department shall reduce the amount of a State
21 subsidy payment to a school district by the amount of any grant
22 funds provided under this section if the school district does
23 not utilize the grant funds in accordance with subsection (b)
24 and the accountability grant plan submitted pursuant to
25 subsection (d).

26 (5) No grant funds may be used directly to increase salaries
27 except as provided for in subsection (b)(10).

28 (6) No school district may place grant funds received under
29 this section in a reserve account.

30 (f) As used in this section, the following words and phrases

1 shall have the meanings given to them in this subsection:

2 "Applied knowledge." Information technology, computer
3 equipment, education software and related advanced technologies
4 necessary to increase students' access to worldwide information
5 and their expertise in this regard.

6 "Department." The Department of Education of the
7 Commonwealth.

8 "Grant." A Pennsylvania accountability grant awarded under
9 this section.

10 "Highly qualified." A highly qualified elementary teacher or
11 a highly qualified middle or secondary teacher as defined in 22
12 Pa. Code § 403.2 (relating to definitions).

13 "Science." A curricular offering in support of the science
14 and technology content area as defined in 22 Pa. Code § 4.12
15 (relating to academic standards).

16 Section 2. This act shall take effect July 1, 2007, or
17 immediately, whichever is later.