

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 355 Session of 2019

INTRODUCED BY REESE, DOWLING, MARSHALL, TOPPER, BROWN, COOK, DeLUCA, DUNBAR, GROVE, HARRIS, HICKERNELL, KAIL, MILLARD, MOUL, TOBASH, STAATS AND KINSEY, MAY 7, 2019

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 11, 2019

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," in preliminary provisions, providing
6 for advertising; and, in charter schools, further providing
7 for definitions, for charter school requirements, AND for <--
8 powers of board of trustees and PROVIDING for fund balance <--
9 limits.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. The act of March 10, 1949 (P.L.30, No.14), known
13 as the Public School Code of 1949, is amended by adding a
14 section to read:

15 Section 128. Advertising.--(a) A paid media advertisement
16 by a public school entity that refers to the cost of tuition or
17 transportation shall not advertise those expenses as free, and
18 any reference to tuition or transportation costs must stipulate
19 that the cost is covered by taxpayer dollars. A paid media
20 advertisement shall include a television, radio or movie theater

1 advertisement, billboard, bus poster, newspaper, magazine,
2 publicly accessible Internet website or any other commercial
3 method that may promote enrollment in a public school entity.

4 (b) For the purposes of this section, "public school entity"
5 shall mean a public school district, charter school, cyber
6 charter school, regional charter school, intermediate unit or
7 area vocational-technical school.

8 Section 2. Sections 1703-A and 1715-A of the act are amended
9 to read:

10 Section 1703-A. Definitions.--As used in this article,

11 "Administrator" shall include an employe of a charter school
12 entity, including the chief administrator of a charter school
13 entity and any other employe, who by virtue of the employe's
14 position is responsible for taking official action of a
15 nonministerial nature with regard to contracting or procurement,
16 administering or monitoring grants or subsidies, managing or
17 regulating staff, student and school activities or any activity
18 where the official action has an economic impact of greater than
19 a de minimis nature on the interests of any person.

20 "Aid ratio" and "market value/income aid ratio" shall be:

21 (1) the aid ratio and market value/income aid ratio for the
22 school district that granted a charter to the charter school;

23 (2) for a regional charter school, the aid ratio and market
24 value/income aid ratio shall be a composite, as determined by
25 the department, based on the school districts that granted the
26 charter; or

27 (3) for a cyber charter school, the aid ratio and market
28 value/income aid ratio shall be that of the school district in
29 which the administrative offices of the cyber charter school are
30 located.

1 "Appeal board" shall mean the State Charter School Appeal
2 Board established by this article.

3 "Assessment" shall mean the Pennsylvania System of School
4 Assessment test, the Keystone Exam or another test established
5 or approved by the State board or the General Assembly to meet
6 the requirements of section 2603-B or 2604-B or 22 Pa. Code §
7 4.51 (relating to State assessment system) or required under the
8 Every Student Succeeds Act (Public Law 114-95, 129 Stat. 1802)
9 or its successor Federal statute.

10 "At-risk student" shall mean a student at risk of educational
11 failure because of limited English proficiency, poverty,
12 community factors, truancy, academic difficulties or economic
13 disadvantage.

14 "Charter school" shall mean an independent public school
15 established and operated under a charter from the local board of
16 school directors and in which students are enrolled or attend. A
17 charter school must be organized as a public, nonprofit
18 corporation. Charters may not be granted to any for-profit
19 entity.

20 ["Chief executive officer" shall mean an individual appointed
21 by the board of trustees to oversee and manage the operation of
22 the charter school, but who shall not be deemed a professional
23 staff member under this article.]

24 "Charter school entity" shall mean a charter school, regional
25 charter school or cyber charter school.

26 "Charter school foundation" shall mean a nonprofit
27 organization under section 501(c)(3) of the Internal Revenue
28 Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)), that
29 provides funding, resources or otherwise serves to support a
30 charter school entity, either directly or through an affiliated

1 entity.

2 "Chief administrator" shall mean an individual appointed by a
3 board of trustees to oversee and manage the operation of a
4 charter school entity. The term shall not include a professional
5 staff member under this article.

6 "Community college" shall mean a community college
7 established under Article XIX-A.

8 "Cyber charter school" shall mean an independent public
9 school established and operated under a charter from the
10 Department of Education and in which the school uses technology,
11 including electronic or digital books, in order to provide a
12 significant portion of its curriculum and to deliver a
13 significant portion of instruction to its students through the
14 Internet or other electronic means. A cyber charter school must
15 be organized as a public, nonprofit corporation. A charter may
16 not be granted to a for-profit entity.

17 "Department" shall mean the Department of Education of the
18 Commonwealth.

19 "Educational management service provider" shall mean a
20 nonprofit charter management organization, for-profit education
21 management organization, school design provider, business
22 manager or any other partner entity with which a board of
23 trustees of a charter school entity contracts to provide
24 educational design, business services, comprehensive management
25 or personnel functions or to implement the charter. The term
26 shall not include a charter school foundation.

27 ~~"Immediate family member" shall mean a parent, spouse, child,~~ <--
28 ~~brother, sister, grandparent or grandchild.~~

29 "FAMILY MEMBER" SHALL MEAN A PARENT, STEPPARENT, CHILD, <--
30 STEPCHILD, SPOUSE, DOMESTIC PARTNER, BROTHER, SISTER,

1 STEPBROTHER, STEPSISTER, GRANDPARENT, GRANDCHILD, PARENT-IN-LAW,
2 BROTHER-IN-LAW, SISTER-IN-LAW, AUNT, UNCLE OR FIRST COUSIN.

3 "Local board of school directors" shall mean the board of
4 directors or other governing authority of a school district in
5 which a proposed or an approved charter school is located.

6 "Nonrelated" shall mean an individual who is not an immediate <--
7 A family member. <--

8 "Regional charter school" shall mean an independent public
9 school established and operated under a charter from more than
10 one local board of school directors and in which students are
11 enrolled or attend. A regional charter school must be organized
12 as a public, nonprofit corporation. Charters may not be granted
13 to any for-profit entity.

14 "School district of residence" shall mean the school district
15 in this Commonwealth in which [the parents or guardians of a
16 child reside.] a child resides as determined under section 1302
17 and 22 Pa. Code § 11.11(a)(1) (relating to entitlement of
18 resident children to attend public schools).

19 "School entity" shall mean a school district, intermediate
20 unit, joint school or area vocational-technical school.

21 "Secretary" shall mean the Secretary of Education of the
22 Commonwealth.

23 "State board" shall mean the State Board of Education of the
24 Commonwealth.

25 "State System institution" shall mean a member institution of
26 the State System of Higher Education established under Article
27 XX-A.

28 Section 1715-A. Charter School Entity Requirements.--(a)
29 Charter [schools] school entities shall be required to comply
30 with the following provisions:

1 (1) Except as otherwise provided in this article, a charter
2 school entity is exempt from statutory requirements established
3 in this act, from regulations of the State board and the
4 standards of the secretary not specifically applicable to
5 charter [schools] school entities. Charter [schools] school
6 entities are not exempt from statutes applicable to public
7 schools other than this act.

8 (2) A charter school entity shall be accountable to the
9 parents, the public and the Commonwealth, with the delineation
10 of that accountability reflected in the charter. Strategies for
11 meaningful parent and community involvement shall be developed
12 and implemented by each school.

13 (3) A charter school entity shall not unlawfully
14 discriminate in admissions, hiring or operation.

15 (4) A charter school entity shall be nonsectarian in all
16 operations.

17 (5) A charter school entity shall not provide any religious
18 instruction, nor shall it display religious objects and symbols
19 on the premises of the charter school entity.

20 (6) A charter school entity shall not advocate unlawful
21 behavior.

22 (7) A charter school entity shall only be subject to the
23 laws and regulations as provided for in section 1732-A, or as
24 otherwise provided for in this article.

25 (8) A charter school entity shall participate in the
26 Pennsylvania State Assessment System as provided for in 22 Pa.
27 Code Ch. 5 (relating to curriculum), or subsequent regulations
28 promulgated to replace 22 Pa. Code Ch. 5, in the manner in which
29 the school district in which the charter school entity is
30 located is scheduled to participate.

1 (9) A charter school entity shall provide a minimum of one
2 hundred eighty (180) days of instruction or nine hundred (900)
3 hours per year of instruction at the elementary level, or nine
4 hundred ninety (990) hours per year of instruction at the
5 secondary level. Nothing in this clause shall preclude the use
6 of computer and satellite linkages for delivering instruction to
7 students.

8 (9.1) (I) A CYBER CHARTER SCHOOL SHALL ELECTRONICALLY <--
9 DISTRIBUTE ON A SEMI-ANNUAL BASIS TO ADMINISTRATORS, TRUSTEES,
10 EMPLOYEES, STAFF AND PARENTS AND GUARDIANS OF STUDENTS OF THE
11 CYBER CHARTER SCHOOL, A SINGLE-PAGE DOCUMENT PROVIDED BY THE
12 OFFICE OF STATE INSPECTOR GENERAL THAT DESCRIBES THE FOLLOWING:

13 (A) THE POWERS OF THE OFFICE OF STATE INSPECTOR GENERAL TO
14 INVESTIGATE CLAIMS OF FRAUD, WASTE, MISCONDUCT AND ABUSE.

15 (B) HOW TO CONTACT OR FILE A COMPLAINT WITH THE OFFICE OF
16 STATE INSPECTOR GENERAL.

17 (C) THE STATUTORY PROTECTIONS THAT NO PERSON MAY TAKE OR
18 THREATEN TO TAKE ACTION AGAINST AN EMPLOYEE AS A REPRISAL FOR
19 MAKING A COMPLAINT OR DISCLOSING INFORMATION TO THE OFFICE OF
20 STATE INSPECTOR GENERAL, EXCEPT IF THE COMPLAINT WAS MADE OR THE
21 INFORMATION WAS DISCLOSED WITH THE KNOWLEDGE THAT THE COMPLAINT
22 OR INFORMATION WAS FALSE OR WITH WILLFUL DISREGARD FOR THE TRUTH
23 OR FALSITY OF THE COMPLAINT OR INFORMATION.

24 (II) FOR PURPOSES OF THIS PARAGRAPH, A CYBER CHARTER SCHOOL
25 SHALL BE CONSIDERED AN EXECUTIVE AGENCY FOR THE PURPOSE OF
26 ARTICLE V-A OF THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN
27 AS "THE ADMINISTRATIVE CODE OF 1929."

28 (10) Boards of trustees and contractors of charter [schools]
29 school entities shall be subject to the following statutory
30 requirements governing construction projects and construction-

1 related work:

2 (i) The following provisions of this act:

3 (A) Sections 751 and 751.1.

4 (B) Sections 756 and 757 insofar as they are consistent with
5 the act of December 20, 1967 (P.L.869, No.385), known as the
6 "Public Works Contractors' Bond Law of 1967."

7 (ii) Section 1 of the act of May 1, 1913 (P.L.155, No.104),
8 entitled "An act regulating the letting of certain contracts for
9 the erection, construction, and alteration of public buildings."

10 (iii) The act of August 11, 1961 (P.L.987, No.442), known as
11 the "Pennsylvania Prevailing Wage Act."

12 (iv) The "Public Works Contractors' Bond Law of 1967."

13 (v) The act of March 3, 1978 (P.L.6, No.3), known as the
14 "Steel Products Procurement Act."

15 (11) Trustees of a charter school entity shall be public
16 officials[.

17 (12) A person who serves as an administrator for a charter
18 school shall not receive compensation from another charter
19 school or from a company that provides management or other
20 services to another charter school. The term "administrator"
21 shall include the chief executive officer of a charter school
22 and all other employes of a charter school who by virtue of
23 their positions exercise management or operational oversight
24 responsibilities. A person who serves as an administrator for a
25 charter school shall be a public official under 65 Pa.C.S. Ch.
26 11 (relating to ethics standards and financial disclosure). A
27 violation of this clause shall constitute a violation of 65
28 Pa.C.S. § 1103(a) (relating to restricted activities), and the
29 violator shall be subject to the penalties imposed under the
30 jurisdiction of the State Ethics Commission.] for the purposes

1 of 65 Pa.C.S. Ch. 11 (relating to ethics standards and financial
2 disclosure) and shall file a statement of financial interests
3 for the preceding calendar year with the State Ethics Commission
4 and either the local board of school directors in the case of a
5 charter school or regional charter school, or the department in
6 the case of a cyber charter school, not later than May 1 of each
7 year that members hold the position and of the year after a
8 member leaves the position. All members of the board of trustees
9 of a charter school entity shall take the oath of office as
10 required under section 321 before entering upon the duties of
11 their office.

12 (b) An individual who serves as an administrator for a
13 charter school entity shall be a public employe for the purposes
14 of 65 Pa.C.S. Ch. 11 and shall file a statement of financial
15 interests for the preceding calendar year with the board of
16 trustees not later than May 1 of each year that the person holds
17 the position and of the year after the person leaves the
18 position.

19 (c) (1) No individual who serves as an administrator for a
20 charter school entity may receive compensation from another
21 charter school entity or from an educational management service
22 provider, unless:

23 (i) The administrator has submitted a sworn statement to the
24 board of trustees of the charter school entity and the sworn
25 statement details the work for the other entity and includes the
26 projected number of hours, rate of compensation and projected
27 duration.

28 (ii) The board of trustees of the charter school entity has
29 reviewed the sworn statement under subclause (i) and agreed, by
30 resolution, to grant permission to the administrator.

1 (2) A copy of the sworn statement under clause (1)(i) and
2 the resolution by the board of trustees granting the permission
3 under clause (1)(ii) shall be provided to, and kept on file
4 with, the charter school entity and the local board of school
5 directors or, in the case of a cyber charter school, the
6 department.

7 (3) No administrator of a charter school entity or immediate<--
8 family member of the administrator may serve as a voting member
9 of the board of trustees of the charter school entity that
10 employs the administrator.

11 (4) (i) No administrator of a charter school entity may
12 participate in the selection, award or administration of a
13 contract if the person has a conflict of interest as that term
14 is defined in 65 Pa.C.S. § 1102 (relating to definitions).

15 (ii) An administrator who knowingly violates this clause
16 commits a violation of 65 Pa.C.S. § 1103(a) (relating to
17 restricted activities) and shall be subject to the penalties
18 imposed under the jurisdiction of the State Ethics Commission.

19 (iii) Any contract made in violation of this clause shall be
20 voidable by the board of trustees of the charter school entity.

21 (5) An administrator shall be immediately dismissed upon
22 conviction for an offense graded as a felony, an infamous crime,
23 an offense pertaining to fraud, theft or mismanagement of public
24 funds or any crime involving moral turpitude.

25 Section 3. Section 1716-A(c) of the act is amended and the
26 section is amended by adding subsections to read:

27 Section 1716-A. Powers of Board of Trustees.--* * *

28 (b.1) (1) For a charter school or regional charter school
29 chartered after the effective date of this subsection, an
30 individual shall be prohibited from serving as a voting member

1 of the board of trustees of the charter school or regional
2 charter school if the individual or ~~an immediate~~ A family member <--
3 receives compensation from or is employed by or is a member of
4 the local board of school directors who participated in the
5 initial review, approval, oversight, evaluation or renewal
6 process of the charter school or regional charter school
7 chartered by that board.

8 (2) An employe of the school district that chartered a
9 charter school or regional charter school may serve as a member
10 of the board of trustees of the charter school or regional
11 charter school without voting privileges.

12 (b.2) (1) No member of the board of trustees of a charter
13 school entity may participate in the selection, award or
14 administration of any contract if the member has a conflict of
15 interest as that term is defined in 65 Pa.C.S. § 1102 (relating
16 to definitions).

17 (2) Any member of the board of trustees of a charter school
18 entity who in the discharge of the person's official duties
19 would be required to vote on a matter that would result in a
20 conflict of interest shall abstain from voting and follow the
21 procedures required under 65 Pa.C.S. § 1103(j) (relating to
22 restricted activities).

23 (3) A member of the board of trustees of a charter school
24 entity who knowingly violates this subsection commits a
25 violation of 65 Pa.C.S. § 1103(a) and shall be subject to the
26 penalties imposed under the jurisdiction of the State Ethics
27 Commission.

28 (4) A contract made in violation of this subsection shall be
29 voidable by a court of competent jurisdiction if the suit is
30 commenced within ninety (90) days of the discovery of the

1 violation.

2 (5) No member of the board of trustees of a charter school
3 entity shall be compensated for duties on the board of trustees.

4 (b.3) A member of the board of trustees of a charter school
5 entity shall be automatically disqualified and immediately
6 removed from the board of trustees upon conviction for an
7 offense graded as a felony, an infamous crime, an offense
8 pertaining to fraud, theft or mismanagement of public funds, any
9 offense pertaining to the member's official capacity as a member
10 of the board of trustees or any crime involving moral turpitude.

11 (c) The board of trustees shall comply with [the act of July
12 3, 1986 (P.L.388, No.84), known as the "Sunshine Act."] 65
13 Pa.C.S. Ch. 7 (relating to open meetings).

14 (d) (1) (i) The board of trustees of a charter school
15 entity shall consist of a minimum of five (5) nonrelated voting
16 members.

17 (ii) If a charter school entity has fewer than five (5)
18 nonrelated voting members serving on its board of trustees on
19 the effective date of this subsection, the charter school entity
20 shall, within sixty (60) days, appoint additional members to the
21 board of trustees to meet the minimum requirements of this
22 section.

23 (2) Within one (1) year of the effective date of this
24 subsection, at least one member of the board of trustees of a
25 charter school entity shall be a parent of a child currently
26 attending the charter school entity. The board of trustees
27 member provided for under this paragraph shall be eligible to
28 serve only so long as the child attends the charter school
29 entity. This paragraph shall not apply to a charter school that
30 primarily serves adjudicated youth.

1 (e) (1) A majority of the voting members of the board of
2 trustees shall constitute a quorum. If less than a majority is
3 present at any meeting, no business may be transacted at the
4 meeting.

5 (2) The affirmative vote of a majority of all the voting
6 members of the board of trustees, duly recorded, shall be
7 required in order to take official action on the subjects
8 enumerated under subsection (a).

9 (f) A charter school entity shall form an independent audit
10 committee of its board of trustees members which shall review at
11 the close of each fiscal year a complete certified audit of the
12 operations of the charter school entity. The audit shall be
13 conducted by a qualified independent certified public
14 accountant. The audit shall be conducted under generally
15 accepted audit standards of the Governmental Accounting
16 Standards Board and shall include the following:

17 (1) An enrollment test to verify the accuracy of student
18 enrollment and reporting to the Commonwealth.

19 (2) Full review of expense reimbursements for board of
20 trustees members and administrators, including sampling of all
21 reimbursements.

22 (3) Review of internal controls, including review of
23 receipts and disbursements.

24 (4) Review of annual Federal and State tax filings,
25 including the Internal Revenue Service Form 990, Return of
26 Organization Exempt from Income Tax and all related schedules
27 and appendices for the charter school entity and charter school
28 foundation, if applicable.

29 (5) Review of the financial statements of any charter school
30 foundation.

1 (6) Review of the selection and acceptance process of all
2 contracts publicly bid pursuant to section 751.

3 (7) Review of all board policies and procedures with regard
4 to internal controls, code of ethics, conflicts of interest,
5 whistle-blower protections, complaints from parents or the
6 public, compliance with 65 Pa.C.S. Ch. 7 (relating to open
7 meetings), finances, budgeting, audits, public bidding and
8 bonding.

9 (g) The certified audit under subsection (f) and the annual
10 budget under subsection (i) are public documents and shall be
11 made available on the charter school entity's publicly
12 accessible Internet website, if available, and, in the case of a
13 charter school or regional charter school, on the school
14 district's publicly accessible Internet website.

15 (h) A charter school entity may be subject to an annual
16 audit by the Auditor General, in addition to any other audits
17 required by Federal law or this act.

18 (i) A charter school entity shall annually provide the
19 department and, in the case of a charter school or regional
20 charter school, shall annually provide the school district with
21 a copy of the annual budget for the operation of the charter
22 school entity that identifies the following:

23 (1) The source of funding for all expenditures.

24 (2) Where funding is provided by a charter school
25 foundation, the amount of funds and a description of the use of
26 the funds.

27 (3) The salaries of all administrators of the charter school
28 entity.

29 (4) All expenditures to an educational management service
30 provider.

1 (j) (1) Notwithstanding any other provision of law, a
2 charter school entity and any affiliated charter school
3 foundation shall make copies of its annual Federal and State tax
4 filings available upon request and on the charter school
5 entity's or foundation's publicly accessible Internet website,
6 if available, including Internal Revenue Service Form 990,
7 Return of Organization Exempt from Income Tax and all related
8 schedules and appendices.

9 (2) The charter school foundation shall also make copies of
10 its annual budget available upon request and on the foundation's
11 or the charter school entity's publicly accessible Internet
12 website within thirty (30) days of the close of the foundation's
13 fiscal year.

14 (3) The annual budget shall include the salaries of all
15 employees of the charter school foundation.

16 Section 4. The act is amended by adding a section to read:

17 Section 1731.1-A. Fund Balance Limits.--Fund balance limits
18 shall be as follows:

19 (1) For the 2018-2019 school year and each school year
20 thereafter, a charter school entity shall not accumulate an
21 unassigned fund balance greater than the charter school entity
22 unassigned fund balance limit, which will be determined as
23 follows:

<u>Charter School Entity</u>	<u>Maximum Unassigned Fund</u>
<u>Total Budgeted Expenditures</u>	<u>Balance as Percentage of</u>
<u>Total Budgeted Expenditures</u>	<u>Total Budgeted Expenditures</u>
<u>Less than or equal to \$11,999,999</u>	<u>12%</u>
<u>Between \$12,000,000 and \$12,999,999</u>	<u>11.5%</u>
<u>Between \$13,000,000 and \$13,999,999</u>	<u>11%</u>
<u>Between \$14,000,000 and \$14,999,999</u>	<u>10.5%</u>

1	<u>Between \$15,000,000 and \$15,999,999</u>	<u>10%</u>
2	<u>Between \$16,000,000 and \$16,999,999</u>	<u>9.5%</u>
3	<u>Between \$17,000,000 and \$17,999,999</u>	<u>9%</u>
4	<u>Between \$18,000,000 and \$18,999,999</u>	<u>8.5%</u>
5	<u>Greater than or equal to \$19,000,000</u>	<u>8%</u>

6 (2) For the 2018-2019 school year and each school year
7 thereafter, any unassigned fund balance in place on June 30,
8 2019, and on June 30 of each year thereafter in excess of the
9 charter school entity unassigned fund balance limit shall be
10 refunded on a pro rata basis within ninety (90) days to all
11 school districts that paid tuition to the charter school entity
12 in the prior school year, based upon the number of students for
13 whom each school district paid tuition to the charter school
14 entity multiplied by the school district's per student payment
15 under section 1725-A.

16 (3) By October 31, 2019, and by October 31 of each year
17 thereafter, each charter school entity shall provide the
18 department and all school districts that paid tuition to the
19 charter school entity in the prior school year with information
20 certifying compliance with this section. The information shall
21 be provided in a form and manner prescribed by the department
22 and shall include information on the charter school entity's
23 estimated ending unassigned fund balance expressed as a dollar
24 amount and as a percentage of the charter school entity's total
25 budgeted expenditures for that school year.

26 (4) Unassigned funds of the charter school entity in excess
27 of the unassigned fund balance limit may not be used to pay
28 bonuses to any administrator, board of trustees member, employe,
29 staff member or contractor and may not be transferred to a
30 charter school foundation. If a charter school entity uses funds

1 in excess of the unassigned fund balance limit to pay bonuses to
2 any administrator, board of trustees member, employe, staff
3 member or contractor or transfers such funds to a charter school
4 foundation, the value of the bonus payment or fund transfer
5 shall be refunded on a pro rata basis to all school districts
6 that paid tuition to the charter school entity in the prior
7 school year, based upon the number of students for whom each
8 school district paid tuition to the charter school entity
9 multiplied by the school district's per student payment under
10 section 1725-A.

11 (5) As used in this section, "unassigned fund balance" shall
12 mean that portion of the fund balance of a charter school entity
13 that provides funding that serves to support the charter school
14 entity that is:

15 (i) available for expenditure or not legally or otherwise
16 segregated for a specific or tentative future use; and

17 (ii) held in the General Fund accounts of the charter school
18 entity.

19 Section 5. This act shall take effect as follows:

20 (1) The addition of section 128 of the act shall take
21 effect in 180 days.

22 (2) The remainder of this act shall take effect in 60
23 days.