

PUBLIC EDUCATION BUDGET AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: Lincoln Fillmore

LONG TITLE

General Description:

This bill supplements or reduces appropriations otherwise provided for the support and operation of public education for the fiscal year beginning July 1, 2020, and ending June 30, 2021, and for the fiscal year beginning July 1, 2021, and ending June 30, 2022.

Highlighted Provisions:

This bill:

- ▶ provides appropriations for the use and support of school districts, charter schools, and state education agencies;
- ▶ directs the State Board of Education on how to execute certain funding programs;
- ▶ provides appropriations for other purposes as described;
- ▶ amends and enacts provisions related to certain appropriations for public education, including:
 - allowing the State Board of Education (state board) to use data from fiscal year 2020 for certain funding formulas in certain circumstances;
 - allowing the state board to distribute funds to mitigate funding losses associated with the elimination of the Administrative Cost Program;
 - requiring the state board to allocate funds for English language learner software;
- and
 - providing the State Charter School Board with increased budgetary autonomy;
- ▶ makes technical and conforming changes; and
- ▶ provides intent language.

Money Appropriated in this Bill:

This bill appropriates \$50,561,400 in operating and capital budgets for fiscal year 2021, including:

- ▶ \$3,851,200 from the Education Fund; and
- ▶ \$46,710,200 from various sources as detailed in this bill.

This bill appropriates \$2,270,000 in transfers to unrestricted funds for fiscal year 2021.

This bill appropriates \$100,384,400 in operating and capital budgets for fiscal year 2022, including:

- ▶ \$100 from the General Fund;
- ▶ \$28,288,700 from the Uniform School Fund;
- ▶ \$29,786,500 from the Education Fund; and
- ▶ \$42,309,100 from various sources as detailed in this bill.

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

53E-5-302, as last amended by Laws of Utah 2019, Chapter 186

53F-2-304, as last amended by Laws of Utah 2020, Sixth Special Session, Chapter 9

53F-2-706, as enacted by Laws of Utah 2020, Fifth Special Session, Chapter 14

53G-5-202, as last amended by Laws of Utah 2018, Chapter 383 and renumbered and amended by Laws of Utah 2018, Chapter 3

ENACTS:

53F-2-209, Utah Code Annotated 1953

53F-2-418, Utah Code Annotated 1953

REPEALS:

53F-5-212, as last amended by Laws of Utah 2020, Chapters 354 and 408

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **53E-5-302** is amended to read:

53E-5-302. State board to designate low performing schools -- Needs assessment.

(1) Except as provided in Subsection (4), the state board shall:

(a) annually designate a school as a low performing school; and

(b) conduct a needs assessment for a low performing school by thoroughly analyzing the root causes of the low performing school's low performance.

(2) The state board may use up to 5% of the appropriation provided under this part to hire or contract with one or more individuals to conduct a needs assessment described in Subsection (1)(b).

(3) A school that was designated as a low performing school based on 2015-2016 school year performance that is not in the lowest performing 3% of schools statewide following the 2016-2017 school year is exempt from the provisions of this part.

(4) (a) The state board is not required to designate as a low performing school a school for which the state board is not required to assign an overall rating in accordance with Section [53E-5-204](#).

(b) The requirement to designate a school as a low-performing school described in Subsection (1) does not apply in the school year immediately following the 2020-2021 or 2021-2022 school year.

Section 2. Section **53F-2-209** is enacted to read:

53F-2-209. Use of data to determine funding in fiscal years 2021 and 2022.

(1) For fiscal years 2021 and 2022, if data necessary for programmatic funding distributions to LEAs is inconsistent due to adjustments related to effects of the COVID-19 emergency, the state board may use the analogous data from fiscal year 2020 or the 2019-2020 school year, at the state board's discretion to execute programmatic funding distributions to LEAs.

(2) The state board shall report to the Public Education Appropriations Subcommittee before September 30, 2021, on instances in which the board used fiscal year 2020 data under Subsection (1).

Section 3. Section **53F-2-304** is amended to read:

53F-2-304. Necessarily existent small schools -- Computing additional weighted pupil units -- Consolidation of small schools.

(1) As used in this section, "necessarily existent small schools funding balance" means the difference between:

(a) the amount appropriated for the necessarily existent small schools program in a fiscal year; and

(b) the amount distributed to school districts for the necessarily existent small schools program in the same fiscal year.

(2) (a) Upon application by a local school board, the state board shall, in consultation with the local school board, classify schools in the school district as necessarily existent small schools, in accordance with this section and state board rules adopted under Subsection (3).

(b) An application must be submitted to the state board before April 2, and the state board must report a decision to a local school board before June 2.

(3) The state board shall adopt standards and make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:

(a) govern the approval of necessarily existent small schools consistent with principles of efficiency and economy that serve the purpose of eliminating schools where consolidation is feasible by participation in special school units; and

(b) ensure that school districts are not building secondary schools in close proximity to one another where economy and efficiency would be better served by one school meeting the needs of secondary students in a designated geographical area.

(4) The state board shall prepare and publish objective standards and guidelines for determining which small schools are necessarily existent after consultation with local school boards.

(5) (a) Additional weighted pupil units for schools classified as necessarily existent small schools shall be computed using distribution formulas adopted by the state board.

(b) The distribution formulas establish the following maximum sizes for funding under the necessarily existent small school program:

- 114 (i) an elementary school 160
- 115 (ii) a one or two-year secondary school 300
- 116 (iii) a three-year secondary school 450
- 117 (iv) a four-year secondary school 500
- 118 (v) a six-year secondary school 600
- 119 (c) An elementary school with fewer than 10 students shall receive the same add-on
120 weighted pupil units as an elementary school with 10 students.
- 121 (d) A secondary school with fewer than 15 students shall receive the same add-on
122 weighted pupil units as a secondary school with 15 students.
- 123 (e) If a necessarily existent small school generates ADM in both elementary and
124 secondary grades, the state board may divide the school's ADM between an elementary and
125 secondary distribution formula.
- 126 (f) The state board shall prepare and distribute an allocation table based on the
127 distribution formula to each school district.
- 128 (6) (a) To avoid penalizing a school district financially for consolidating the school
129 district's small schools, additional weighted pupil units may be allowed a school district each
130 year, not to exceed two years.
- 131 (b) The additional weighted pupil units may not exceed the difference between what
132 the school district receives for a consolidated school and what the school district would have
133 received for the small schools had the small schools not been consolidated.
- 134 (7) (a) The state board may allocate up to 208 weighted pupil units to support schools
135 that:
- 136 (i) have isolating conditions, as defined by the state board, including geographic
137 isolation; and
- 138 (ii) do not qualify for necessarily existent small schools funding due to formula
139 limitations.
- 140 (b) The state board shall review funding allocations under this Subsection (7) at least
141 once every five calendar years.

(8) If the state board classifies a school as a necessarily existent small school in accordance with this section, the state board shall, subject to legislative appropriation, distribute small district base funding to the relevant school district in the following amounts:

- (a) for a district with 500 students or less, 83 additional weighted pupil units;
- (b) for a district with 501 to 1,000 students, 28 additional weighted pupil units; and
- (c) for a district with 1,001 to 2,000 students, 14 additional weighted pupil units.

(9) Subject to legislative appropriation, the state board shall give first priority from an appropriation made under this section to funding an expense approved by the state board as described in Subsection [53G-6-305\(3\)\(a\)](#).

(10) (a) Subject to Subsection (10)(b) and after a distribution made under Subsection (9), the state board may distribute a portion of necessarily existent small schools funding:

(i) in accordance with a formula adopted by the state board that considers the tax effort of a local school board; or

(ii) to isolated small schools, as identified by the state board.

(b) The amount distributed in accordance with Subsection (10)(a) may not exceed the necessarily existent small schools fund in balance of the prior fiscal year.

(11) A local school board may use the money allocated under this section for maintenance and operation of school programs or for other school purposes as approved by the state board.

(12) (a) Notwithstanding this section and subject to legislative appropriations, the state board may, in accordance with Subsection (12)(b), distribute one-time funding that the Legislature appropriates to mitigate funding losses as described in legislative appropriations.

(b) The state board may make the distribution described in Subsection (12)(a) to school districts that:

- (i) enroll fewer than 5,000 students; and
- (ii) do not pay local property tax proceeds into the Uniform School Fund as described in Section [53F-2-301.5](#).

Section 4. Section **53F-2-418** is enacted to read:

53F-2-418. English language learner software.

(1) Subject to legislative appropriations, the state board shall:

(a) allocate funds to LEAs for English language learner software; and

(b) make the allocation described in Subsection (1)(a) using a formula that provides:

(i) a base amount for each LEA that has English language learner students; and

(ii) a distribution of remaining funding in proportion to the LEA's share of statewide English language learner students.

(2) An LEA shall use an allocation the LEA receives under Subsection (1) to select a vendor and pay for software licenses for English language learner instruction.

Section 5. Section **53F-2-706** is amended to read:

53F-2-706. Small charter school base funding.

(1) Subject to legislative appropriation, the state board shall distribute small charter school base funding in the following amounts to charter schools with 2,000 or less students:

(a) for a charter school with 300 students or less, \$40,000;

(b) for a charter school with 301 to 400 students, \$35,000;

(c) for a charter school with 401 to 500 students, \$30,000;

(d) for a charter school with 501 to 600 students, \$25,000;

(e) for a charter school with 601 to 1,000 students, \$20,000; and

(f) for a charter school with 1,001 to 2,000 students, \$15,000.

(2) A charter school's eligibility for small charter school base funding is determined by the charter school's student enrollment on October 1 of a given year.

(3) Notwithstanding this section and subject to legislative appropriations, the state board may distribute to charter schools, regardless of size, one-time funding that the Legislature appropriates to mitigate funding losses as described in legislative appropriations.

Section 6. Section **53G-5-202** is amended to read:

53G-5-202. Status and powers of State Charter School Board.

(1) The State Charter School Board may:

~~[(1)]~~ (a) enter into contracts;

198 ~~[(2)]~~ (b) sue and be sued; and
 199 ~~[(3)-(a)]~~ (c) (i) at the discretion of the charter school, provide administrative services
 200 to, or perform other school functions for, charter schools authorized by the State Charter
 201 School Board; and
 202 ~~[(b)]~~ (ii) charge fees for the provision of services or functions.
 203 (2) The state board shall:
 204 (a) approve the annual budget and expenditures of the State Charter School Board; and
 205 (b) otherwise grant autonomy to the State Charter School Board to manage the State
 206 Charter School Board's budget.

207 Section 7. **Repealer.**

208 This bill repeals:

209 Section **53F-5-212, Grants for additional educators for high-need schools.**

210 Section 8. **Fiscal Year 2021 Appropriation.**

211 The following sums of money are appropriated for the fiscal year beginning July 1,
 212 2020, and ending June 30, 2021. These are additions to amounts otherwise appropriated for
 213 fiscal year 2021.

214 Subsection 8(a). **Operating and Capital Budgets.**

215 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the
 216 Legislature appropriates the following sums of money from the funds or accounts indicated for
 217 the use and support of the government of the state of Utah.

218 PUBLIC EDUCATION

219 STATE BOARD OF EDUCATION - MINIMUM SCHOOL PROGRAM

220 ITEM 1 To State Board of Education - Minimum School Program - Basic School Program

221 From Education Fund, One-time 15,000,000

222 Schedule of Programs:

223 Grades 1 - 12 15,000,000

224 ITEM 2 To State Board of Education - Minimum School Program - Voted and Board Local

225 Levy Programs

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226	<u>From Education Fund, One-time</u>	<u>(15,000,000)</u>
227	<u>Schedule of Programs:</u>	
228	<u>Voted Local Levy Program</u>	<u>(7,500,000)</u>
229	<u>Board Local Levy Program</u>	<u>(7,500,000)</u>
230	<u>STATE BOARD OF EDUCATION</u>	
231	<u>ITEM 3 To State Board of Education - Child Nutrition</u>	
232	<u>From Federal Funds, One-time</u>	<u>48,927,100</u>
233	<u>Schedule of Programs:</u>	
234	<u>Child Nutrition</u>	<u>48,927,100</u>
235	<u>ITEM 4 To State Board of Education - Initiative Programs</u>	
236	<u>From Beginning Nonlapsing Balances</u>	<u>(2,170,000)</u>
237	<u>Schedule of Programs:</u>	
238	<u>Contracts and Grants</u>	<u>(670,000)</u>
239	<u>ELL Software Licenses</u>	<u>(1,500,000)</u>
240	<u>ITEM 5 To State Board of Education - MSP Categorical Program Administration</u>	
241	<u>From Beginning Nonlapsing Balances</u>	<u>(100,000)</u>
242	<u>Schedule of Programs:</u>	
243	<u>Dual Immersion</u>	<u>(100,000)</u>
244	<u>ITEM 6 To State Board of Education - State Administrative Office</u>	
245	<u>From Education Fund, One-time</u>	<u>4,000,000</u>
246	<u>Schedule of Programs:</u>	
247	<u>Statewide Financial Management System Grants</u>	<u>4,000,000</u>
248	<u>The Legislature intends that the State Board of Education use one-time funds</u>	
249	<u>appropriated to support Statewide Financial Management System Grants to provide grants to</u>	
250	<u>local education agencies in fiscal year 2021, fiscal year 2022, or fiscal year 2023 to make</u>	
251	<u>changes to local data systems to facilitate data transfers between the LEA and the state.</u>	
252	<u>ITEM 7 To State Board of Education - General System Support</u>	
253	<u>From Education Fund, One-time</u>	<u>(95,700)</u>

254 Schedule of Programs:

255 Student Achievement (95,700)

256 ITEM 8 To State Board of Education - State Charter School Board

257 From Education Fund, One-time (53,100)

258 Schedule of Programs:

259 From Closing Nonlapsing Balances 53,100

260 Subsection 8(b). **Transfers to Unrestricted Funds.**

261 The Legislature authorizes the State Division of Finance to transfer the following

262 amounts to the unrestricted General Fund, Education Fund, or Uniform School Fund, as

263 indicated, from the restricted funds or accounts indicated. Expenditures and outlays from the

264 General Fund, Education Fund, or Uniform School Fund must be authorized by an

265 appropriation.

266 PUBLIC EDUCATION

267 ITEM 9 To Education Fund

268 From Nonlapsing Balances - Transfer from Dual Language Program 100,000

269 From Nonlapsing Balances - Transfer from ELL Software Licenses 1,500,000

270 From Nonlapsing Balances - Transfer from Initiative Programs 670,000

271 Schedule of Programs:

272 Education Fund, One-time 2,270,000

273 Section 9. **Fiscal Year 2022 Appropriation.**

274 The following sums of money are appropriated for the fiscal year beginning July 1,

275 2021, and ending June 30, 2022. These are additions to amounts otherwise appropriated for

276 fiscal year 2022.

277 Subsection 9(a). **Operating and Capital Budgets.**

278 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the

279 Legislature appropriates the following sums of money from the funds or accounts indicated for

280 the use and support of the government of the state of Utah.

281 PUBLIC EDUCATION

282	<u>STATE BOARD OF EDUCATION - MINIMUM SCHOOL PROGRAM</u>	
283	<u>ITEM 10 To State Board of Education - Minimum School Program - Basic School Program</u>	
284	<u>From Uniform School Fund</u>	<u>500,000</u>
285	<u>From Uniform School Fund, One-time</u>	<u>3,600,000</u>
286	<u>Schedule of Programs:</u>	
287	<u>Necessarily Existent Small Schools (131 WPU's)</u>	<u>4,100,000</u>
288	<u>The Legislature intends that the State Board of Education distribute funds in accordance</u>	
289	<u>with Subsection 53F-2-304(12) to mitigate funding losses associated with the elimination of</u>	
290	<u>the Administrative Cost Program.</u>	
291	<u>ITEM 11 To State Board of Education - Minimum School Program - Related to Basic School</u>	
292	<u>Programs</u>	
293	<u>From Uniform School Fund</u>	<u>16,688,700</u>
294	<u>From Uniform School Fund, One-time</u>	<u>7,500,000</u>
295	<u>From Beginning Nonlapsing Balances</u>	<u>(11,400)</u>
296	<u>From Closing Nonlapsing Balances</u>	<u>11,400</u>
297	<u>Schedule of Programs:</u>	
298	<u>Pupil Transportation To and From School</u>	<u>2,500,000</u>
299	<u>Beverly Taylor Sorenson Elementary Arts</u>	
300	<u>Learning Program</u>	<u>2,000,000</u>
301	<u>Early Intervention</u>	<u>7,000,000</u>
302	<u>Grants for Educators in High-need Schools</u>	<u>(500,000)</u>
303	<u>National Board Certified Teacher Program</u>	<u>(246,300)</u>
304	<u>Grants for Professional Learning</u>	<u>3,935,000</u>
305	<u>Charter School Funding Base Program</u>	<u>5,000,000</u>
306	<u>English Language Learner Software</u>	<u>4,500,000</u>
307	<u>(1) The Legislature intends that the expenditures upon which state funding is</u>	
308	<u>contingent under Items 2, 9, 22, and 33 in S.B. 1, Public Education Base Budget Amendments,</u>	
309	<u>be modified to include all of the federally allowed activities for the Federal Coronavirus Relief</u>	

310 for Public Education funds except:

311 (a) school facility repairs and improvements to enable operation of schools to reduce
 312 risk of virus transmission and exposure to environmental health hazards, and to support student
 313 health needs; and

314 (b) inspection, testing, maintenance, repair, replacement, and upgrade projects to
 315 improve the indoor air quality in school facilities, including mechanical and non-mechanical
 316 heating, ventilation, and air conditioning systems, filtering, purification and other air cleaning,
 317 fans, control systems, and window and door repair and replacement.

318 (2) The Legislature further intends that the State Board of Education distribute funds in
 319 accordance with Subsection 53F-2-706(3) to mitigate funding losses associated with the
 320 elimination of the Administrative Cost Program.

321 STATE BOARD OF EDUCATION

322 ITEM 12 To State Board of Education - Educator Licensing

323 From Education Fund 246,300

324 From Beginning Nonlapsing Balances 11,400

325 From Closing Nonlapsing Balances (11,400)

326 Schedule of Programs:

327 National Board-Certified Teachers 246,300

328 ITEM 13 To State Board of Education - Fine Arts Outreach

329 From Education Fund 250,000

330 Schedule of Programs:

331 Provisional Program 250,000

332 ITEM 14 To State Board of Education - Initiative Programs

333 From Education Fund 6,800,000

334 From Education Fund, One-time 5,408,100

335 From Beginning Nonlapsing Balances 2,988,400

336 Schedule of Programs:

337 Computer Science Initiatives 5,000,000

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338	<u>Contracts and Grants</u>	<u>3,300,000</u>	
339	<u>Early Warning Pilot Program</u>	<u>125,000</u>	
340	<u>Electronic Elementary Reading Tool</u>	<u>1,500,000</u>	
341	<u>ProStart Culinary Arts Program</u>	<u>300,000</u>	
342	<u>School Turnaround and Leadership Development Act</u>	<u>(4,028,500)</u>	
343	<u>UPSTART</u>	<u>9,000,000</u>	
344	<u>ITEM 15 To State Board of Education - MSP Categorical Program Administration</u>		
345	<u>From Education Fund</u>		<u>1,065,000</u>
346	<u>Schedule of Programs:</u>		
347	<u>Early Learning Training and Assessment</u>	<u>1,065,000</u>	
348	<u>ITEM 16 To State Board of Education - Science Outreach</u>		
349	<u>From Education Fund</u>		<u>475,000</u>
350	<u>Schedule of Programs:</u>		
351	<u>Informal Science Education Enhancement</u>	<u>475,000</u>	
352	<u>ITEM 17 To State Board of Education - State Administrative Office</u>		
353	<u>From General Fund</u>		<u>100</u>
354	<u>From Education Fund</u>		<u>(3,448,300)</u>
355	<u>From Education Fund, One-time</u>		<u>29,100</u>
356	<u>From Federal Funds, One-time</u>		<u>37,178,400</u>
357	<u>From General Fund Restricted - Mineral Lease</u>		<u>1,900</u>
358	<u>From Revenue Transfers</u>		<u>28,900</u>
359	<u>From Uniform School Fund Restricted - Trust Distribution Account</u>		<u>170,000</u>
360	<u>From Uniform School Fund Restricted - Trust Distribution Account,</u>		
361	<u>One-time</u>		<u>105,000</u>
362	<u>From Beginning Nonlapsing Balances</u>		<u>(1,625,500)</u>
363	<u>From Closing Nonlapsing Balances</u>		<u>1,376,900</u>
364	<u>Schedule of Programs:</u>		
365	<u>Board and Administration</u>	<u>37,193,900</u>	

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366	<u>Financial Operations</u>	<u>112,300</u>
367	<u>Indirect Cost Pool</u>	<u>196,000</u>
368	<u>School Trust</u>	<u>275,000</u>
369	<u>Special Education</u>	<u>(50,000)</u>
370	<u>Statewide Online Education Program</u>	<u>(4,610,700)</u>
371	<u>Student Support Services</u>	<u>700,000</u>
372	<u>The Legislature intends that the State Board of Education:</u>	
373	<u>(1) report to the Public Education Appropriations Subcommittee, on or before</u>	
374	<u>September 30, 2021, regarding how school-level data included in the Annual Financial Reports</u>	
375	<u>(AFRs) and Annual Program Reports (APRs) will be reported in a public-facing format; and</u>	
376	<u>(b) (i) develop a fee for service schedule for certifying the special education programs</u>	
377	<u>of residential treatment centers; and</u>	
378	<u>(ii) report the schedule to the Public Education Appropriations Subcommittee on or</u>	
379	<u>before October 1, 2021.</u>	
380	<u>ITEM 18 To State Board of Education - General System Support</u>	
381	<u>From Education Fund</u>	<u>78,500</u>
382	<u>From Education Fund, One-time</u>	<u>7,864,900</u>
383	<u>Schedule of Programs:</u>	
384	<u>Teaching and Learning</u>	<u>926,500</u>
385	<u>Assessment and Accountability</u>	<u>7,016,900</u>
386	<u>(1) The Legislature intends that the Utah State Board of Education use any revenue or</u>	
387	<u>nonlapsing balances generated from the licensing of Readiness Improvement Success</u>	
388	<u>Empowerment (RISE) questions to develop additional assessment questions for all state</u>	
389	<u>assessments, provide professional learning for Utah educators, and for risk mitigation</u>	
390	<u>expenditures.</u>	
391	<u>(2) The Legislature intends that, of the appropriations provided to State Board of</u>	
392	<u>Education - Teaching and Learning, \$225,000 be used to implement the provisions of</u>	
393	<u>American Indian and Alaskan Native Education, S.B. 124, Chapter 269, Laws of Utah 2020,</u>	

394 General Session.

395 (3) The Legislature intends that, of the appropriations provided by this item, \$800,000
 396 one-time be used to implement the provisions of Concurrent Enrollment Certificate Pilot
 397 Program, H.B. 336, Chapter 321, Laws of Utah 2020, General Session.

398 (4) The Legislature intends that, of the appropriations provided by this item,
 399 \$7,016,900 be used:

400 (a) in fiscal years 2022, 2023, and 2024; and

401 (b) to contract for professional learning related to improving student achievement.

402 ITEM 19 To State Board of Education - State Charter School Board

403 From Education Fund 1,600

404 Schedule of Programs:

405 State Charter School Board 1,600

406 ITEM 20 To State Board of Education - Utah Schools for the Deaf and the Blind

407 From Education Fund 300

408 From Education Fund, One-time 1,825,000

409 From Revenue Transfers 100

410 Schedule of Programs:

411 Support Services 400

412 Administration 1,325,000

413 Utah State Instructional Materials Access Center 500,000

414 The Legislature intends that the Utah Schools for the Deaf and the Blind charge a fee to
 415 out-of-state schools for instructional materials produced by the Utah State Instructional
 416 Materials Access Center (USIMAC) to cover actual costs of reprinting and shipping per
 417 volume. The estimated fee amount is \$150 per braille volume and \$15 shipping.

418 ITEM 21 To State Board of Education - Statewide Online Education

419 From Education Fund 4,390,100

420 From Education Fund, One-time 4,800,900

421 From Revenue Transfers (28,900)

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- 16 -

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(i) Subsection 9(a), Operating and Capital Budgets.