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JOHN S.S. KIM
CHAIRPERSON

STATE OF HAWAII
STATE PUBLIC CHARTER SCHOOL COMMISSION
(‘AHA KULA HO‘ĀMANA)

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DATE: December 29, 2020

TO: Donovan Dela Cruz, Chair
Senate Committee on Ways and Means

Michelle Kidani, Chair
Senate Committee on Education

FROM: Yvonne Lau, Interim Executive Director
State Public Charter School Commission

SUBJECT: EDN 600 and EDN 612 Fiscal Biennium FY2022-2023 Budget Briefing Testimony

Chair Dela Cruz, Chair Kidani, and members of the Committees:

The State Public Charter School Commission (“Commission”) appreciates this opportunity to submit this testimony on its proposed budget for the upcoming fiscal biennium for EDN 600 and EDN612. Section 1 of this testimony will focus on EDN 600-Charter Schools and Section 2 will cover EDN 612-Charter Schools Commission and Administration. As the sole authorizer of charter schools in the state, the Commission oversees the executive budgetary process for itself (program ID- EDN 612), and for all 37 operating public charter schools (program ID- EDN 600).

Both the Commission and public charter schools understand that difficult decisions will need to be made as the State looks to recover from the effects of the global pandemic. We appreciate your continuing support of Hawaii’s 37 public charter schools and over 12,100 students.

SECTION 1- EDN 600: CHARTER SCHOOLS

A. OVERVIEW

- **Mission Statement**

Charter schools provide parents and students within the State of Hawaii an alternative to the traditional public school experience. Charter schools, while subject to the same State accountability requirements as all other public schools, serve as incubators of innovative approaches to educational, governance, financing, administration, curricula, technology, and teaching strategies.

- **Measures of Effectiveness**

While no formal measures of effectiveness for this program have been adopted, all public charter schools operate on individualized charter contracts that establish Academic, Organizational, and Financial Performance expectations, with the understanding that failure to meet those expectations and/or performance measures, may result in non-renewal of the charter contract and school closure.

Over this last year, the Commission has engaged its public charter schools and is in the process of amending the Charter School Contract, including the Performance Framework, and anticipates having a finalized draft in the next few months. The Commission had been in the process of renewing the Charter School Contracts for several schools; however, with the onset of the pandemic and disruption to the state-wide accountability measures used to evaluate school performance, the Commission granted one year extensions to those schools that would have been subject to the contract renewal process. Additionally, all other charters had been granted a one-year extension of their contract due to the non-availability of the state-wide accountability measures.

- **Enrollment and Per-pupil Funding**

37 public charter schools currently operate in the State of Hawaii: Kauai (5), Maui (1), Molokai (1), Hawaii (14) and Oahu (16).

Public charter school enrollment for the 2020-2021 fiscal year is **12,140 students**, which represents a slight increase of 80 students from the 2019-2020 fiscal year, which equals about a one percent increase.

Public charter schools were allocated lump-sum per-pupil funding of approximately **\$95.6 million** for the 2020-2021 fiscal year. This amount is determined by the operating appropriation to the Hawai'i Department of Education (DOE) and the schools' pro rata enrollment compared to the total public education enrollment. Following the October 15, 2020 'true-up' enrollment count adjustments pursuant to §302D-28, Hawaii Revised Statutes, charter school funding was reduced by approximately **\$5.8 million**. The original allocation, per Act 9, Sessions Laws of Hawaii (SLH) 2020, had been about **\$101.4 million**.

This adjustment has resulted in a projected per-pupil amount for the current year of **\$7,872**. Charter schools have been notified that this per pupil amount should be considered a projection as the final per pupil allocation for FY2020-2021 may be subject to restriction or reduction by the governor.

B. ECONOMIC IMPACT

- **Operating Expenditures- Executive Biennium Budget FY2021-2022 & FY2022-2023**

	FY2021-2022	FY2022-2023
General Funds	\$86,987,777	\$86,987,777
Federal Funds	\$5,042,000	\$5,042,000
Other Means of Financing	\$0	\$0
Total Program Cost	\$92,029,777	\$92,029,777

For the upcoming fiscal biennium, charter school lump-sum per pupil funding has been reduced from the FY2021 allocation amount of approximately **\$101.4 million** to **\$87 million**. This represents a reduction of about **14.2% (\$14.4 million)**. Using the current charter school enrollment count of 12,140 students, this would amount to a per pupil amount of **\$7,165**, more than a \$700 reduction from the projected per pupil amount for this current fiscal year.

It should be noted that of the proposed **\$14.4 million** reduction to charter school funding, about **\$2.8 million** of that reduction is the result of reductions to the DOE budget, specifically program IDs- EDN 100, EDN 200, EDN 300, and EDN 400. This is an example of how charter school funding is intrinsically tied to and dependent on the DOE's budget. Any adjustments to those specific DOE program IDs will result in adjustments to the per pupil funding in EDN 600.

- **Federal Funds**

In Hawai'i, the DOE serves as both the State Educational Agency (SEA) and the Local Educational Agency (LEA) and is the sole recipient of most federal educational funding in the state. Public charter schools receive federal funding from the DOE for the major federal education programs such as Title I, Part A; Title II, Part A; Title III; and IDEA, Part B.

This past fiscal year, approximately **\$15.8 million** was distributed to public charter schools for the federally funded educational programs. Of this total amount, about **\$662,800** was provided for special education services in public charter schools. In addition, charter schools received a pro-rata allotment of about **\$2.2 million** in COVID relief funding provided before the end of fiscal year 2020.

C. EXECUTIVE BUDGET REQUESTS

- **Non-general Fund Requests**

The executive biennium budget does not include any requests for non-general funds for public charter schools.

- **General Fund Requests**

The following general fund adjustments for the upcoming biennium have been proposed in the Executive Budget:

- **Per-pupil adjustments**

- Amount of funding reduction: **(\$2,775,392)** for both FY2022 & FY2023
- Purpose of request: Statutory adjustment made to equalize per-pupil funding due to proposed reductions to major DOE program IDs (EDN 100, EDN 200, EDN 300, and EDN 400).

D. CONCLUSION

The proposed executive biennium budget accounts for the economic condition of the State in the next few years through its severe cuts to the per pupil funding of charter schools. Charter schools serve distinct student populations around the State that are attracted to the alternative learning environments and approaches to instruction and student engagement that differ from the traditional school environment provided by the DOE.

Should the latest federal COVID relief legislation and additional future federal support provide assistance to the State, prioritization and restoration of funding to public education is greatly needed to meet the educational needs and overall well-being of the children and communities served by all of our public schools--department and charter schools.

SECTION 2- EDN 612: CHARTER SCHOOL COMMISSION AND ADMINISTRATION

A. OVERVIEW

- **Mission Statement**

The statutory mission of the Commission is “to authorize high-quality public charter schools throughout the State.” (HRS 302D-3(b)). The Commission’s strategic vision for the chartering of these high-quality schools is that they provide excellent and diverse educational options for Hawai`i’s families, prepare our students for future academic or career success, and contribute meaningfully to the continued improvement of Hawai`i’s public education system as a whole.

- **Statement of Program Objectives**

To authorize high-quality public charter schools throughout the State.

- **Measures of Effectiveness**

While no formal measures of effectiveness have been developed, the Commission has been actively implementing components of its strategic plan, which was adopted in FY2019.

- **Authorizer Duties and Responsibilities**

Section 302D-3, HRS, establishes the Commission as an agency administratively attached to the Department of Education (DOE) that is empowered with statewide chartering jurisdiction and authority. As the charter school authorizer, the Commission:

1. Serves as the point of contact between the DOE and public charter schools;
2. Ensures the compliance of public charter schools with all applicable state and federal laws;
3. Serves as the pass-through for the distribution of federal funds provided to the DOE and allocated to public charter schools; and
4. Serves as the pass-through for the distribution of per-pupil funding received from the State and allocated to public charter schools.

B. ECONOMIC IMPACT

- **Operating Expenditures- Executive Biennium Budget FY2021-2022 & FY2022-2023**

	FY2021-2022	FY2022-2023
General Funds	\$4,224,126	\$4,224,126
Federal Funds	\$1,800,000	\$1,800,000
Other Means of Financing	\$0	\$0
Total Program Cost	\$6,024,126	\$6,024,126

The general funding allocations for EDN 612 in the executive biennium budget request contains two distinct components- the operating funds for the Commission and the operating funds for the Early Education Learning program in charter schools.

For the Commission operating funds, the executive budget provides **\$1,322,201** for both FY2022 and FY2023. This represents a reduction of **\$233,330** from the Commission's operating funds from its Act 9, SLH 2020, funding level, which amounts to a 15% reduction. Included in this reduction is a position reduction of 2.0 FTE; this reduction will not require any current staffing reductions as current vacancies account for this reduction.

The executive biennium budget provides **\$2,901,925** in general funds for the Early Education Learning program in charter schools for both FY2022 and FY2023. This year, the Early Education Learning program serves approximately 200 students in seventeen pre-kindergarten classrooms in eleven charter schools, which is about 60% capacity. The health concerns regarding in-person learning have affected enrollment in pre-kindergarten classrooms. Seven of these classrooms are Hawaiian immersion early learning programs. The Commission initially requested **\$4 million** each fiscal year of the upcoming biennium; the same funding level provided by Act 276, SLH 2019.

Act 276, SLH 2019, provided **\$4 million** for FY2019 and FY2020 to continue the early learning programs in charter schools; these programs were initially started through a federal preschool development grant received by the Commission in FY2015. This funding had been provided to the Executive Office of Early Learning; however, following the passage of Act 46, SLH 2020, administration of the Early Education Learning program for public charter schools was placed under the jurisdiction of the Commission. As a result, the executive biennium budget provides the funding for the program to the Commission under EDN 612.

- **Federal Funds**

For the 2019-2020 fiscal year, the Commission received and administered approximately **\$17.4 million** in federal educational funds. Of the \$17.4 million, the Commission expended about **\$1.6 million**, or approximately nine percent, of the funds received.

The Commission receives federal funding through the DOE for the major federal education programs such as Title I, Part A; Title II, Part A; Title III; and IDEA, Part B. These funds, specifically Title I funds, are used to provide direct support to schools identified for comprehensive support and improvement (CSI) and targeted support and achievement (TSI). This past fiscal year, the Commission initiated and administered programs intended to assist in academic growth and achievement, provide mentoring and coaching for charter school administrative leadership, and engage charter school governing boards in understanding its roles and responsibilities.

C. EXECUTIVE BUDGET REQUESTS

- **Non-general Fund Requests**

The executive biennium budget does not include any requests for non-general funds for the Commission.

- **General Fund Requests**

The proposed executive budget for the upcoming biennium provides the following to the Commission:

- **Early Education Learning Program**

- Amount of funding provided- **\$2,901,925** for both FY2022 and FY2023
- Positions- 6.0 FTE for both FY2022 and FY2023

D. CONCLUSION

The proposed executive biennium budget accounts for the economic condition of the State in the next few years through its severe cuts to the budget of the Commission. In recent years, the Commission has worked to establish a system of accountability while authorizing high-quality schools. The Commission's key function of ensuring the compliance of public charter schools with all applicable state and federal laws as well as each charter contract will be affected. Additionally, with the addition of the early education learning program, reduced funding will also have effects on the availability of this much-needed program to communities they now serve, especially those communities that value the Hawaiian culture and Hawaiian immersion learning opportunities.

Should the latest federal COVID relief legislation and additional future federal support provide assistance to the State, prioritization and restoration of funding to public education is greatly needed to meet the educational needs and overall well-being of the children and communities served, especially for our early learning program communities.

Department of Education- Charter Schools
 Functions- EDN 600 EDN 612

Table 1

<u>Division</u>	<u>Description of Function</u>	<u>Activities</u>	<u>Prog ID(s)</u>	<u>Dept-Wide Priority</u>	<u>Statutory Reference</u>
DOE-Charter Schools					
	Implement alternative frameworks with regard to curriculum, facilities management, instructional approach, virtual education, length of school day, week, or year, and personnel management	Operation and administration of public charter schools	EDN 600	N/A	HRS302D-1
DOE-SPCSC					
	Continually monitor the performance and legal compliance of the public charter schools.	Monitor, in accordance with charter contract terms, the performance and legal compliance of public charter schools; determine whether each charter contract merits renewal, nonrenewal, or revocation.	EDN 612	N/A	HRS 302D-5(a); HRS 302D-17(a)
		Annually publish and provide, as part of its annual report to the Board of Education and the Legislature, a performance report for each public charter school it oversees.	EDN 612	N/A	HRS 302D-17(b)
	Authorize high-quality public charter schools throughout the state.	Solicit and evaluate charter applications; approve quality charter applications and decline weak or inadequate applications; and negotiate and execute sound charter contracts with each approved charter applicant and with existing public charter schools.	EDN 600; EDN 612	N/A	HRS 302D-3(b); HRS 302D-5
		Act as a point of contact between the department and a public charter school it authorizes; ensure compliance of a public charter school it authorizes with all applicable state and federal laws, including reporting requirements; receive and distribute applicable federal funds from the department to the public charter school; and receive and distribute per-pupil funding from the department of budget and finance to the public charter school it authorizes.	EDN 612	N/A	HRS 302D-3(b); HRS 302D-5

Department of Education- Charter Schools
Department-Wide Totals

Table 2

Fiscal Year 2021				
Budget Acts Appropriation	Restrictions	Emergency Appropriations	Total FY21	MOF
\$ 102,960,642.00			\$ 102,960,642.00	A
\$ 6,842,000.00			\$ 6,842,000.00	N
			\$ -	
			\$ -	
			\$ -	
			\$ -	
\$ 109,802,642.00	\$ -	\$ -	\$ 109,802,642.00	Total
Fiscal Year 2022				
Budget Acts Appropriation	Reductions	Additions	Total FY22	MOF
\$ 104,584,636.00	\$ (11,875,272.00)	\$ 126,533.00	\$ 92,835,897.00	A
\$ 6,842,000.00			\$ 6,842,000.00	N
			\$ -	
			\$ -	
			\$ -	
			\$ -	
\$ 111,426,636.00	\$ (11,875,272.00)	\$ 126,533.00	\$ 99,677,897.00	Total

Department of Education- Charter Schools
Program ID Totals

Table 3

Prog ID	Program Title	MOF	As budgeted (FY21)			Governor's Submittal (FY22)				Governor's Submittal (FY23)			
			Pos (P)	Pos (T)	\$\$\$	Pos (P)	Pos (T)	\$\$\$	Percent Change of \$\$\$\$	Pos (P)	Pos (T)	\$\$\$	Percent Change of \$\$\$\$
EDN600	Charter Schools	A			\$ 101,405,111			\$ 86,987,777	-14.22%			\$ 86,987,777	-14.22%
EDN600		N			\$ 5,042,000			\$ 5,042,000	0%			\$ 5,042,000	0%
EDN612	Charter School Commission	A	17.12		\$ 1,555,531	21.12		\$ 4,224,126	171.56%	21.12		\$ 4,224,126	171.56%
EDN612		N	6.88		\$ 1,800,000	6.88		\$ 1,800,000	0%	6.88		\$ 1,800,000	0%

Department of Education- Charter Schools
Budget Decisions

Prog ID	Sub-Org	Description of Request	MOF	Initial Department Requests						Budget and Finance Recommendations						Governor's Decision					
				FY22			FY23			FY22			FY23			FY22			FY23		
				Pos (P)	Pos (T)	\$\$\$	Pos (P)	Pos (T)	\$\$\$	Pos (P)	Pos (T)	\$\$\$	Pos (P)	Pos (T)	\$\$\$	Pos (P)	Pos (T)	\$\$\$	Pos (P)	Pos (T)	\$\$\$
EDN600		Per Pupil Adjustment	A								\$ (2,775,392)			\$ (2,775,392)			\$ (2,775,392)			\$ (2,775,392)	
EDN 612		Early Education Learning Program	A	6.00		\$ 4,000,000	\$ 6		\$ 4,000,000	6.0	\$ 4,000,000	6.0		\$ 4,000,000	6.0		\$ 2,901,925	6.0		\$ 2,901,925	

Department of Education- Charter Schools
Proposed Budget Reductions

Table 5

Prog ID	Sub-Org	Description of Reduction	Impact of Reduction	MOF	FY22			FY23			FY21 Restriction (Y/N)
					Pos (P)	Pos (T)	\$\$\$\$	Pos (P)	Pos (T)	\$\$\$\$	
EDN 600		Lump Sum Reducation ro personnel Services	High- reduces charter school per pupil lump sum funding	A			\$ (600,369)			\$ (600,369.00)	N
EDN 600		Lump Sum Reduction to Other Current Expenses	High- reduces charter school per pupil lump sum funding	A			\$ (11,041,573)			\$ (11,041,573)	N
EDN 612		Reduction of staff/Commissioner travel expenses	Minimal	A			\$ (26,553)			\$ (26,553)	N
EDN 612		Elimination of information technology support services to charter schools	Minimal	A			\$ (35,000)			\$ (35,000)	N
EDN 612		Administrative Support Assistant- 94913E	Moderate	A	-1.0		\$ (45,000)	-1.0		\$ (45,000)	N
EDN 612		Administrative Support Officer- 94912E	Moderate	A	-1.0		\$ (49,000)	-1.0		\$ (49,000)	N
EDN 612		Reduction of general funded personnel costs through use of federal funds	Moderate	A			\$ (51,500)			\$ (51,500)	N
EDN 612		Reduction of programmatic costs- professional services for charter school support	Moderate	A			\$ (26,277)			\$ (26,277)	N

Department of Education- Charter Schools
Proposed Budget Additions

Table 6

Prog ID	Sub-Org	Addition Type	Prog ID Priority	Dept-Wide Priority	Description of Addition	Justification	MOF	FY22			FY23		
								Pos (P)	Pos (T)	\$\$\$	Pos (P)	Pos (T)	\$\$\$
EDN 612		AR	1	N/A	Early Education Learning Program- Sustain current operations and school programs	Currently funded at \$4,000,000 in general funds; this addition will allow for continuation of the program that is currently operating in public charter schools	A	6.0		\$ 2,901,925	6.0		\$ 2,901,925

Department of Education- Charter Schools
 FB 2019 - 2021 Restrictions

Table 7

<u>Fiscal Year</u>	<u>Prog ID</u>	<u>Sub-Org</u>	<u>MOF</u>	<u>Budgeted by Dept</u>	<u>Restriction</u>	<u>Difference Between Budgeted & Restricted</u>	<u>Percent Difference</u>	<u>Impact</u>
NONE								

Department of Education- Charter Schools
Emergency Appropriation Requests

Table 8

<u>Prog ID</u>	<u>Description of Request</u>	<u>Explanation of Request</u>	<u>MOF</u>	<u>Pos (P)</u>	<u>Pos (T)</u>	<u>\$\$\$</u>
NONE						

Department of Education- Charter Schools
Expenditures Exceeding Appropriation Ceilings in FY22 and FY23

Table 9

<u>Prog ID</u>	<u>MOF</u>	<u>Date</u>	<u>Appropriation</u>	<u>Amount Exceeding Appropriation</u>	<u>Percent Exceeded</u>	<u>Reason for Exceeding Ceiling</u>	<u>Legal Authority</u>	<u>Recurring (Y/N)</u>	<u>GF Impact (Y/N)</u>
NONE									

Department of Education- Charter Schools
 Intradepartmental Transfers in FY22 and FY23

Table 10

<u>Actual or Anticipated Date of Transfer</u>	<u>MOF</u>	<u>Pos (P)</u>	<u>Pos (T)</u>	<u>\$\$\$</u>	<u>From Prog ID</u>	<u>Percent of Program ID Appropriation Transferred From</u>	<u>To Prog ID</u>	<u>Percent of Receiving Program ID Appropriation</u>	<u>Reason for Transfer</u>	<u>Recurring (Y/N)</u>
NONE										

Department of Education- Charter Schools
 Vacancy Report as of November 30, 2020

Table 11

<u>Prog ID</u>	<u>Sub-Org</u>	<u>Date of Vacancy</u>	<u>Expected Fill Date</u>	<u>Position Number</u>	<u>Position Title</u>	<u>Exempt (Y/N)</u>	<u>SR Level</u>	<u>BU Code</u>	<u>Perm Temp (P/T)</u>	<u>FTE</u>	<u>MOF</u>	<u>Budgeted Amount</u>	<u>Actual Salary Last Paid</u>	<u>Authority to Hire (Y/N)</u>	<u>Occupied by 89 Day Hire (Y/N)</u>	<u># of 89 Hire Appts</u>	<u>Describe if Filled by other Means</u>	<u>Priority # to Retain</u>
EDN 612		6/15/2018	N/A	94910E	Information Systems Manager	Y				1.00	A	\$ 86,530	\$ 86,530	N	N	0	IT Services outsourced	1
EDN 612		7/31/2017	N/A	94914E	Office Assistant	Y				1.00	A	\$ 45,000	\$ 45,000	N	N	0		2

Positions Established by Acts other than the State Budget as of November 30, 2020

<u>Prog ID</u>	<u>Sub-Org</u>	<u>Date Established</u>	<u>Legal Authority</u>	<u>Position Number</u>	<u>Position Title</u>	<u>Exempt (Y/N)</u>	<u>SR Level</u>	<u>BU Code</u>	<u>T/P</u>	<u>MOF</u>	<u>FTE</u>	<u>Annual Salary</u>	<u>Filled (Y/N)</u>	<u>Occupied by 89 Day Hire (Y/N)</u>
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NONE

Department of Education- Charter Schools
Overtime Expenditure Summary

Table 13

Prog ID	Sub-Org	Program Title	MOF	FY20 (actual)			FY21 (estimated)			FY22 (budgeted)		
				<u>Base Salary</u> \$\$\$\$	<u>Overtime</u> \$\$\$\$	<u>Overtime</u> Percent	<u>Base Salary</u> \$\$\$\$	<u>Overtime</u> \$\$\$\$	<u>Overtime</u> Percent	<u>Base Salary</u> \$\$\$\$	<u>Overtime</u> \$\$\$\$	<u>Overtime</u> Percent
NONE												

Department of Education- Charter Schools
Active Contracts as of December 1, 2020

Table 14

Prog ID	MOF	Amount	Frequency (M/A/O)	Max Value	Outstanding Balance	Term of Contract			Entity	Contract Description	Explanation of How Contract is Monitored	POS Y/N	Category E/L/P/C/G/S/*
						Date Executed	From	To					
EDN 612	A	\$ 8,788	O (Qtrly)	\$ 35,150	\$ 17,575	6/30/2020	7/1/2020	6/30/2021	National Charter School Institute	Online Compliance Management System	Invoice received as Accounts payable; payment made if approved by Finance manager	Y	S
EDN 612	A	\$ 25,235	A	\$ 25,235	\$ -	5/15/2020	5/15/2020	11/30/2020	CW Associates, CPAs	Annual audit Service	Completion and submission of annual audit	Y	S
EDN 612	A	\$ 797	M	\$ 38,256	\$ 30,286	2/24/2020	3/1/2020	2/28/2024	Xerox Corporation	Office copier lease	Monthly review of invoices	N	E*
EDN 612	A	\$ 1,731	M	\$ 62,316	\$ 10,386	7/1/2017	7/1/2020	6/30/2021	NetEnterprise	IT Support Services and Server Maintenance	Monthly review of invoices	Y	S*
EDN 612	A	\$ 10,242	M	\$1,230,000	\$ 1,139,000	12/24/2019	4/1/2020	3/31/2030	Finance Factors Limited	Office space lease	Monthly review of invoices	N	L*

Department of Education- Charter Schools
 Capital Improvements Program (CIP) Requests

Table 15

<u>Prog ID</u>	<u>Prog ID</u> <u>Priority</u>	<u>Dept- Wide</u> <u>Priority</u>	<u>Senate</u> <u>District</u>	<u>Rep.</u> <u>District</u>	<u>Project Title</u>	<u>MOF</u>	<u>FY22 \$\$\$</u>	<u>FY23 \$\$\$</u>
NONE								

Department of Education- Charter Schools
CIP Lapses

Table 16

<u>Prog ID</u>	<u>Act/Year of Appropriation</u>	<u>Project Title</u>	<u>MOF</u>	<u>Lapse Amount</u> \$\$\$\$	<u>Reason</u>
NONE					

Department of Education- Charter Schools
Program ID Sub-Organizations

<u>Program ID</u>	<u>Sub-Org Code</u>	<u>Name</u>	<u>Objective</u>
NONE			

Department of Education- Charter Schools
 Organization Changes

Table 18

<u>Year of Change</u> <u>FY22/FY23</u>	<u>Description of Change</u>
FY22/FY23	Elimination of two (2) general-funded positions in EDN 612 (Charter School Commission); result of program review initiated by the Department of Budget & Finance
	*ORG Chart provided as a separate attachment

