

**Side-by-Side of S.56 HED report vs HWM report
Beth St. James
5.10.23 (draft 1.1)**

S.56 HED	S.56 HWM
<p><u>First:</u> In Sec. 1, legislative intent, in subdivision (2), by striking out the words “<u>for children four years of age</u>”</p> <p><u>Second:</u> In Sec. 1, legislative intent, in subdivision (7), by striking out the words “<u>prekindergarten access for children who are four years of age on the date by which the child’s school district requires kindergarten students to have attained five years of age or who are five years of age and not yet enrolled in kindergarten</u>” and inserting in lieu thereof the words “<u>access to prekindergarten education</u>”</p>	<p>Sec. 1. LEGISLATIVE INTENT</p> <p><u>It is the intent of the General Assembly that investments in and policy changes to Vermont’s child care and early learning system shall:</u></p> <p style="padding-left: 40px;">(1) <u>increase access to and the quality of child care services and afterschool and summer care programs throughout the State;</u></p> <p style="padding-left: 40px;">(2) <u>increase equitable access to and quality of prekindergarten education for children four years of age;</u></p> <p style="padding-left: 40px;">(3) <u>provide financial stability to child care programs;</u></p> <p style="padding-left: 40px;">(4) <u>stabilize Vermont’s talented child care workforce;</u></p> <p style="padding-left: 40px;">(5) <u>address the workforce needs of the State’s employers;</u></p> <p style="padding-left: 40px;">(6) <u>maintain a mixed-delivery system for prekindergarten, child care, and afterschool and summer care; and</u></p> <p style="padding-left: 40px;">(7) <u>assign school districts with the responsibility of ensuring equitable prekindergarten access for children who are four years of age on the date by which the child’s school district requires kindergarten students to have attained five years of age or who are five years of age and not yet enrolled in kindergarten.</u></p>
<p><u>Third:</u> In Sec. 2, Prekindergarten Education Implementation Committee, plan, in subsection (a), by striking out “<u>As used in this section, “child” or “children” means a child or children who are four years of age on the date by which the child’s school district requires kindergarten students to have attained five years of age or</u></p>	<p>Sec. 2. PREKINDERGARTEN EDUCATION IMPLEMENTATION COMMITTEE; PLAN</p> <p style="padding-left: 40px;">(a) <u>Creation. There is created the Prekindergarten Education Implementation Committee to assist the Agency of Education in improving and expanding accessible, affordable, and high-quality prekindergarten</u></p>

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<p><u>who are five years of age and not yet enrolled in kindergarten, unless otherwise specified.</u></p> <p>Fourth: In Sec. 2, Prekindergarten Education Implementation Committee; plan, by striking out subdivision (b)(1) in its entirety and inserting in lieu thereof a new subdivision (b)(1) to read as follows:</p> <p><u>(b)(1) Membership. The Committee shall be composed of the following members:</u></p> <p><u>(A) the Secretary of Education or designee, who shall serve as co-chair;</u></p> <p><u>(B) the Secretary of Human Services or designee, who shall serve as co-chair;</u></p> <p><u>(C) the Executive Director of the Vermont Principals' Association or designee;</u></p> <p><u>(D) the Executive Director of the Vermont Superintendents Association or designee;</u></p> <p><u>(E) the Executive Director of the Vermont School Board Association or designee;</u></p> <p><u>(F) the Executive Director of the Vermont National Education Association or designee;</u></p> <p><u>(G) the Chair of the Vermont Council of Special Education Administrators or designee;</u></p> <p><u>(H) an early education coordinator for a school district which provides prekindergarten education through a mixed-delivery system, appointed by the Vermont Superintendents Association;</u></p> <p><u>(I) the Executive Director of Building Bright Futures or designee;</u></p> <p><u>(J) a representative of a prequalified private provider as defined in 16 V.S.A. § 829, operating a</u></p>	<p><u>education for children on a full-day basis on or before July 1, 2026. The prekindergarten program under consideration would require a school district to provide prekindergarten education to all children within the district in either a public school or by contract with private providers, or both.</u></p> <p><u>(b) Membership.</u></p> <p><u>(1) The Committee shall be composed of the following members:</u></p> <p><u>(A) the Secretary of Education or designee, who shall serve as co-chair;</u></p> <p><u>(B) the Secretary of Human Services or designee, who shall serve as co-chair;</u></p> <p><u>(C) the Executive Director of the Vermont Principals' Association or designee;</u></p> <p><u>(D) the Executive Director of the Vermont Superintendents Association or designee;</u></p> <p><u>(E) the Executive Director of the Vermont School Board Association or designee;</u></p> <p><u>(F) the Executive Director of the Vermont National Education Association or designee;</u></p> <p><u>(G) the Chair of the Vermont Council of Special Education Administrators or designee;</u></p> <p><u>(H) the Executive Director of the Vermont Curriculum Leaders Association or designee;</u></p> <p><u>(I) the Executive Director of Building Bright Futures or designee;</u></p> <p><u>(J) a representative of a prequalified private provider as defined in 16 V.S.A. § 829, operating a licensed center-based child care and preschool program, appointed by the Speaker of the House;</u></p>

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<p><u>benefit to child care and early education” and inserting in lieu thereof “. The Committee’s analysis may yield distinct recommendations for different prekindergarten ages”</u></p> <p>Sixth: In Sec. 2, Prekindergarten Education Implementation Committee; plan, in subsection (c), following <u>“the needs of both the State and local education agencies.”</u> by inserting <u>“The Committee shall also make recommendations for the minimum number of hours that shall constitute a full school day for both prekindergarten education and kindergarten as well as analyze whether there are areas of the State where prekindergarten education can be more effectively and conveniently furnished in an adjacent state due to geographic considerations.”</u></p>	<p><u>system on or before July 1, 2026. The Committee’s analysis may yield distinct recommendations for different prekindergarten ages. The Committee’s recommendation shall consider:</u></p> <ol style="list-style-type: none"> <u>(1) the needs of both the State and local education agencies;</u> <u>(2) the minimum number of hours that shall constitute a full school day for both prekindergarten and kindergarten;</u> <u>(3) whether there are areas of the State where prekindergarten education can be more effectively and conveniently furnished in an adjacent state due to geographic considerations;</u> <u>(4) benchmarks and best practices to ensure high-quality prekindergarten education;</u> <u>(5) measures to ensure capacity is available to meet the demand for prekindergarten education;</u> <u>(6) special education services for children participating in prekindergarten in both public and private settings;</u> <u>(7) any necessary infrastructure changes to expand prekindergarten;</u> <u>(8) costs associated with expanding prekindergarten, including fiscally strategic options to sustain an expansion of prekindergarten;</u> <u>(9) recommendations for the oversight of the prekindergarten system; and</u> <u>(10) any other issue the Committee deems relevant.</u>

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	<p><u>(d) Assistance. The Committee shall have the administrative, technical, fiscal, and legal assistance of the Agencies of Education and of Human Services. If the Agencies are unable to provide the Committee with adequate support to assist with its administrative, technical, fiscal, or legal needs, then the Agency of Education shall retain a contractor with the necessary expertise to assist the Committee.</u></p> <p><u>(e) Report. On or before December 1, 2024, the Committee shall submit a written report to the House Committees on Education and on Human Services and the Senate Committees on Education and on Health and Welfare with its implementation plan based on the analysis conducted pursuant to subsection (c) of this section. The report shall include draft legislative language to support the Committee’s plan.</u></p> <p><u>(f) Meetings.</u></p> <p><u>(1) The Secretary of Education or designee shall call the first meeting of the Committee to occur on or before July 15, 2023.</u></p> <p><u>(2) A majority of the membership shall constitute a quorum.</u></p> <p><u>(3) The Committee shall cease to exist on February 1, 2025.</u></p> <p><u>(g) Compensation and reimbursement. Members of the Committee who are not employees of the State of Vermont and who are not otherwise compensated or reimbursed for their attendance shall be entitled to per diem compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010 for not more than 18</u></p>

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	<p><u>meetings. These payments shall be made from monies appropriated to the Agency of Education.</u></p> <p><u>(h) Appropriations.</u></p> <p><u>(1) The sum of \$7,500.00 is appropriated to the Agency of Education from the General Fund in fiscal year 2024 for per diem compensation and reimbursement of expenses for members of the Committee.</u></p> <p><u>(2) The sum of \$100,000.00 is appropriated to the Agency of Education from the General Fund in fiscal year 2024 for the cost of retaining a contractor as provided under subsection (d) of this section.</u></p> <p><u>(3) Any unused portion of these appropriations shall, as of July 1, 2025, revert to the General Fund.</u></p>
<p><u>Seventh:</u> By adding a new section to be Sec. 2a. to read as follows:</p> <p>Sec. 2a. PREKINDERGARTEN EDUCATION MODEL CONTRACT</p> <p><u>On or before December 1, 2024, the Agency of Education shall develop a model contract for school districts to use for contracting with private providers for prekindergarten education services. The model contract shall include an antidiscrimination provision that requires compliance with the Vermont Public Accommodations Act, 9 V.S.A. chapter 139, and the Vermont Fair Employment Practices Act, 21 V.S.A. chapter 5, subchapter 6. In order to ensure that publicly funded prekindergarten education is provided by a Vermont-licensed teacher, the model contract shall also include staff teaching licensure requirements.</u></p>	<p>Sec. 2a. PREKINDERGARTEN EDUCATION MODEL CONTRACT</p> <p><u>On or before December 1, 2024, the Agency of Education, in consultation with the members of the Prekindergarten Education Implementation Committee and other relevant stakeholders, shall develop a model contract for school districts to use for contracting with private providers for prekindergarten education services. The model contract shall include:</u></p> <p><u>(1) an antidiscrimination provision that requires compliance with the Vermont Public Accommodations Act, 9 V.S.A. chapter 139, and the Vermont Fair Employment Practices Act, 21 V.S.A. chapter 5, subchapter 6; and</u></p>

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	<p style="text-align: center;">(2) requirements for the provision of special education services.</p>
<p>No similar provision</p>	<p>Sec. 2b. PREKINDERGARTEN PUPIL WEIGHT; REPORT On or before December 1, 2023, the Agency of Education, in consultation with the Prekindergarten Education Implementation Committee, shall analyze and issue a written report to the General Assembly regarding whether the cost of educating a prekindergarten student is the same as educating a kindergarten student in the context of a full school day. The report shall include a detailed analysis, recommendation, and implementation plan for the sufficient weight to apply to prekindergarten students, in alignment with the weights under current law, for the purposes of determining weighted long-term membership of a school district under 16 V.S.A. § 4010. The report shall include draft legislative language to support the recommended prekindergarten pupil weight and implementation plan.</p>
<p>No similar provision</p>	<p>Sec. 2c. AGENCY OF EDUCATION DATA COLLECTION AND SHARING On or before August 1, 2023, the Agency of Education shall collect and share the following data with the Joint Fiscal Office: (1) The number of weighted pupils, which shall not be adjusted by the equalization ratio, for fiscal year 2024: (A) using weights in effect on July 1, 2023 at both the statewide and district levels; and (B) using weights in effect on July 1, 2024 at both the statewide and district levels.</p>

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	<p>(2) The following data, by school district:</p> <p>(A) the total resources needed to operate a public prekindergarten education program that would serve each prekindergarten child in the district;</p> <p>(B) the number of prekindergarten children by year of age;</p> <p>(C) the total education spending and other funds spent in fiscal year 2023 for children attending public prekindergarten education programs;</p> <p>(D) the total education spending and other funds spent in fiscal year 2023 for prekindergarten children receiving prekindergarten education through a prequalified private provider to whom the district pays tuition;</p> <p>(E) if the school district operates a public prekindergarten education program:</p> <p>(i) the number of hours and slots offered in the public prekindergarten education program;</p> <p>(ii) the number of students residing in the district enrolled in the public prekindergarten education program;</p> <p>(iii) the number and cost of students residing in the district enrolled in a prequalified private provider for whom the district pays tuition for prekindergarten education; and</p> <p>(iv) the number of students enrolled in the public prekindergarten education program who reside outside the district and the corresponding revenues associated with the nonresident student tuition; and</p> <p>(F) if the school district does not operate a prekindergarten education program:</p>

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	<p style="text-align: center;">(i) the number of hours of prekindergarten education provided to each prekindergarten child; and (ii) the tuition costs for prekindergarten children.</p>
<p><u>Eighth</u>: By striking out Sec. 3, 16 V.S.A. § 4010, in its entirety and inserting in lieu thereof a new Sec. 3 to read as follows:</p> <p>Sec. 3. 16 V.S.A. § 4010 is amended to read:</p> <p>§ 4010. DETERMINATION OF WEIGHTED LONG-TERM MEMBERSHIP AND PER PUPIL EDUCATION SPENDING</p> <p>(a) Definitions. As used in this section:</p> <p>(1) “EL pupils” means pupils described under section 4013 of this title.</p> <p>(2) “FPL” means the Federal Poverty Level.</p> <p>(3) “Weighting categories” means the categories listed under subsection (b) of this section.</p> <p><u>(4) “Full day prekindergarten education in a public school setting” means prekindergarten education provided in a public school that is equal in length to the day of education provided to all kindergarten through grade 5 students enrolled in the same school district.</u></p> <p>(b) Determination of average daily membership and weighting categories. On or before the first day of December during each school year, the Secretary shall determine the average daily membership, as defined in subdivision 4001(1) of this title, of each school district for the current school year and shall perform the following tasks:</p>	<p>Sec. 3. 16 V.S.A. § 4010 is amended to read:</p> <p>§ 4010. DETERMINATION OF WEIGHTED LONG-TERM MEMBERSHIP AND PER PUPIL EDUCATION SPENDING * * *</p>

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<p>(1) Using average daily membership, list for each school district the number of:</p> <p style="padding-left: 2em;">(A) pupils in prekindergarten <u>receiving full day prekindergarten education in a public school setting</u>;</p> <p style="padding-left: 2em;">(B) pupils in kindergarten through grade five;</p> <p style="padding-left: 2em;">(C) pupils in grades six through eight;</p> <p style="padding-left: 2em;">(D) pupils in grades nine through 12;</p> <p style="padding-left: 2em;">(E) pupils whose families are at or below 185 percent of FPL, using the highest number of pupils in the district:</p> <p style="padding-left: 4em;">(i) that meet this definition under the universal income declaration form; or</p> <p style="padding-left: 4em;">(ii) who are directly certified for free and reduced-priced meals; and</p> <p style="padding-left: 2em;">(F) EL pupils; and</p> <p style="padding-left: 2em;"><u>(G) all other pupils in prekindergarten.</u></p> <p style="text-align: center;">* * *</p> <p>(d) Determination of weighted long-term membership. For each weighting category except the small schools weighting category under subdivision (b)(3) of this section, the Secretary shall compute the weighting count by using the long-term membership, as defined in subdivision 4001(7) of this title, in that category.</p> <p>(1) The Secretary shall first apply grade level weights. Each pupil included in long-term membership shall count as one, multiplied by the following amounts:</p> <p style="padding-left: 2em;">(A) <u>all other pupils in prekindergarten—negative 0.54;</u></p> <p style="padding-left: 2em;">(B) grades six through eight—0.36; and</p> <p style="padding-left: 2em;">(C) grades nine through 12—0.39.</p> <p style="text-align: center;">* * *</p>	<p style="padding-left: 4em;">(d) Determination of weighted long-term membership. For each weighting category except the small schools weighting category under subdivision (b)(3) of this section, the Secretary shall compute the weighting count by using the long-term membership, as defined in subdivision 4001(7) of this title, in that category.</p> <p style="padding-left: 2em;">(1) The Secretary shall first apply grade level weights. Each pupil included in long-term membership <u>from subsection (b) of this section</u> shall count as one, multiplied by the following amounts:</p> <p style="padding-left: 2em;">(A) <u>prekindergarten—negative 0.54; [Repealed.]</u></p> <p style="padding-left: 2em;">(B) grades six through eight—0.36; and</p> <p style="padding-left: 2em;">(C) grades nine through 12—0.39.</p> <p style="text-align: center;">* * *</p>

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	<p>Sec. 3a. CONTINGENT EFFECTIVE DATE OF PREKINDERGARTEN EDUCATION WEIGHT CHANGE</p> <p>The amendments to 16 V.S.A. § 4010 (weighted long-term membership) set forth in Sec. 3 of this act shall not take effect unless, on or before July 1, 2026, the General Assembly enacts legislation establishing the following:</p> <p>(1) a definition for the minimum number of hours that constitute a full school day for prekindergarten education;</p> <p>(2) a requirement that all school districts shall be required to follow the same minimum number of hour requirements for prekindergarten education; and</p> <p>(3) a requirement that all school districts shall be required to follow the same contracting requirements for the provision of prekindergarten education.</p>
<p><u>Ninth</u>: In Sec. 4, plan; Agency of Education leadership, by striking out the words “<u>implement a second deputy secretary or commissioner</u>” and inserting in lieu thereof the words “<u>create a senior level</u>”</p>	<p style="text-align: center;">* * * Agency of Education * * *</p> <p>Sec. 4. PLAN; AGENCY OF EDUCATION LEADERSHIP</p> <p><u>On or before November 1, 2025, the Agency of Education shall submit a plan to the House Committees on Education and on Human Services and to the Senate Committees on Education and on Health and Welfare for the purpose of elevating the status of early education within the Agency</u> in accordance with the report produced pursuant to 2021 Acts and Resolves No, 45, Sec. 13. The plan shall achieve greater parity in decision-making authority, roles and responsibilities, and reporting structure related to early care and learning across the Agency and Department for Children and Families.</p>

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<p><u>Tenth: By striking out Sec. 17, 33 V.S.A. chapter 38, in its entirety and inserting in lieu thereof a new Sec. 17 to read as follows:</u></p> <p><u>Sec. 17. 16 V.S.A. chapter 1, subchapter 3 is added to read:</u></p> <p><u>Subchapter 3. Afterschool and Summer Care</u></p> <p><u>§ 51. AFTERSCHOOL AND SUMMER CARE</u></p> <p><u>(a) Agency of Education regulation. Pursuant to rules adopted by the Secretary of Education in accordance with 3 V.S.A. chapter 25, school-based afterschool and summer learning programs for students in prekindergarten through grade 12 shall be regulated by the Agency of Education if no Child Care Financial Assistance Program funds provided under 33 V.S.A. § 3512 or 3513 are used to fund the afterschool or summer learning program.</u></p> <p><u>(b) Agency of Human Services regulation. Pursuant to rules adopted by the Agency of Human Services in accordance with 3 V.S.A. chapter 25, if a school-based afterschool or summer learning program for students in prekindergarten through grade 12 does not subsidize access for students that qualify for free or reduced-price meals under the federal food programs, pursuant to 16 V.S.A., chapter 27, the afterschool and summer learning program shall be regulated by the Agency of Human Services.</u></p> <p><u>§ 52. UNIVERSAL AFTERSCHOOL AND SUMMER CARE GRANT PROGRAM</u></p> <p><u>(a) Creation. There is created the Afterschool and Summer Care Grant Program to support the expansion of summer and afterschool programs, with an emphasis on increasing access in underserved areas of the State. The</u></p>	<p>No similar provision</p>

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<p><u>Secretary of Education shall manage and use the assets in the Afterschool and Summer Care Special Fund created pursuant to section 53 of this title to set up inclusive programs to support the expansion of universal afterschool and summer programs with a focus on capacity in underserved areas of the State and for underserved populations, including students with disabilities and economically disadvantaged and historically marginalized students.</u></p> <p><u>(b) Grants. The Afterschool and Summer Care Grant Program shall be used to support a mixed delivery system for afterschool and summer programing, consistent with the requirements of 21C funding authorized under Title IV, part B of the Every Student Succeeds Act, 20 U.S.C. § 7171 et al. Eligible recipients may be public or private nonprofit organizations. Grants may be used for technical assistance, program implementation, program sustainability, and related costs. Grants shall be used to directly target communities with:</u></p> <p><u>(1) low existing capacity to serve youth in afterschool and summer settings;</u></p> <p><u>(2) populations that are currently underserved; and</u></p> <p><u>(3) populations that do not fall under subdivisions (1) and (2) of this subsection as funds are available.</u></p> <p><u>(c) Administration. The Agency may use up to \$500,000.00 for administrative costs, including personal services for program staff, to allow for the support of the grant program and technical assistance to communities. The Agency may contract to support the grant program.</u></p> <p><u>(d) Advice. The Governor may advise the Secretary of Education to consult with other members of the</u></p>	

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<p><u>Governor’s cabinet and administration on the design of the program.</u></p> <p><u>(e) Report and plan. Notwithstanding 2 V.S.A. § 20(d), on or before November 15 of each year, the Agency of Education shall submit to the General Assembly a plan to fund grants made pursuant to this section. The report shall be inclusive of afterschool and summer learning programming supported by federal funds, State grants and contracts, the Child Care Financial Assistance Program pursuant to 33 V.S.A. § 3512 or 3513, and any matching philanthropic funding. The grants shall be in an amount equal to the official forecasted revenues to be raised from the sales and use tax imposed by 32 V.S.A. chapter 233 on cannabis or cannabis products in this State. The Agency shall also report outcomes data on grants awarded pursuant to this section during the previous year, including:</u></p> <p><u>(1) the number of afterschool and summer care operators receiving a grant under this section;</u></p> <p><u>(2) the number of children and youth served and hours of care provided by afterschool and summer care operators receiving a grant under this section;</u></p> <p><u>(3) the geographic distribution of afterschool and summer care operators receiving a grant under this section; and</u></p> <p><u>(4) the extent to which family costs are reduced for the care of children and youth served by afterschool and summer care operators receiving a grant under this section.</u></p> <p><u>§ 53. AFTERSCHOOL AND SUMMER CARE SPECIAL FUND</u></p>	

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<p>(a) There is established a special fund to be known as the Afterschool and Summer Care Special Fund, which shall be used for the purpose of funding the Afterschool and Summer Care Grant Program established pursuant to section 52 of this title.</p> <p>(b) The Fund shall be established and held separate and apart from any other funds or monies of the State and shall be used and administered exclusively for the purpose of this section. The money in the Fund shall be invested in the same manner as permitted for the investment of funds belonging to the State or held in the Treasury. The Fund shall consist of any combination of the following:</p> <ul style="list-style-type: none"> (1) cannabis sales tax revenue pursuant to 32 V.S.A. § 7910; (2) such sums as may be appropriated or transferred thereto from time to time by the General Assembly, the State Emergency Board, or the Joint Fiscal Committee during such times as the General Assembly is not in session; (3) interest earned from the investment of Fund balances; <p>and</p> <ul style="list-style-type: none"> (4) any other money from any other source accepted for the benefit of the Fund. <p>(c) The Fund shall be administered by the Agency of Education pursuant to section 52 of this title.</p> <p>(d) The Agency shall administer awards in such a way as to comply with the requirements of Section 108(f) of the Internal Revenue Code.</p>	
<p>Sec. 17a. AGENCY OF EDUCATION; POSITIONS; APPROPRIATION</p>	<p style="text-align: center;">No similar provision</p>

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<p><u>(a) Establishment of the following new permanent classified positions is authorized in the Agency of Education in fiscal year 2024:</u></p> <p><u>(1) one full-time, permanent classified Afterschool and Summer Care data analyst; and</u></p> <p><u>(2) one full-time, permanent classified Afterschool and Summer Care Grant program coordinator.</u></p> <p><u>(b) There is appropriated to the Agency of Education from the Afterschool and Summer Care Special Fund in fiscal year 2024 the sum of \$250,000.00 for the purpose of creating the two new positions created in this section.</u></p>	
<p>Sec. 18a. REPEALS</p> <p><u>2020 Acts and Resolves No. 164, Secs. 17c (dedicated use of sales and use tax on cannabis) and 17d (annual budgeting of sales and use tax revenue) are repealed.</u></p>	<p>No similar provision</p>
<p><u>Thirteenth:</u> In Sec. 23, effective dates, in subdivision (b)(1), by striking out “<u>July 1, 2026</u>” and inserting in lieu thereof “<u>July 1, 2024</u>”</p>	<p>Sec. 35. EFFECTIVE DATES</p> <p><u>(b)(1) Sec. 3 (determination of weighted long-term membership and per pupil education spending) shall take effect on July 1, 2026, subject to the contingency provisions in Sec. 3a.</u></p>