



NATIONAL
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High-Quality Charter Authorizing Policy Profiles: Nevada

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Nevada: Overview of State Law and Snapshot of Quality Authorizing Practices

Introduction and Methodology

The National Charter School Resource Center (NCSRC) created the [Policy Framework for High-Quality Charter Authorizing Practices \(Framework\)](#) as a tool for assessing a State policy environment's support for high-quality authorizing practices. The Framework is based on a review of high-quality authorizing practices referenced in the Every Student Succeeds Act (ESSA) and literature by the National Association of Charter School Authorizers (NACSA) and the National Alliance of Public Charter Schools (Alliance).¹ NCSRC staff used this review to identify common themes or categories of policies that are essential to State support for high-quality authorizing and incorporated them into the Framework.

NCSRC then created High-Quality Charter Authorizing Policy Profiles (State Authorizing Profiles) that describe states' authorizing policy contexts based on the Framework. As of winter 2020, NCSRC staff created 19 profiles for the States that were awarded Charter School Programs (CSP) State Entities grants between FY2017 and FY2019:

- Alabama
- Arizona
- Arkansas
- Colorado
- Delaware
- Idaho
- Indiana
- Maryland
- Michigan
- Minnesota
- Mississippi
- New Mexico
- New York
- North Carolina
- Oklahoma
- Rhode Island
- Texas
- Washington
- Wisconsin

NCSRC created eight additional profiles in the summer of 2021 for the seven states that were awarded CSP State Entities grants in FY 2020 and for New Hampshire:¹

- California
- District of Columbia
- Florida
- New Hampshire
- New Jersey
- Nevada
- Pennsylvania
- South Carolina

¹ New Hampshire was a 2019 grantee, but because of a delay in accepting grant funds, we created the profile in 2020. Also, Texas was a 2020 grantee, but we had already created its profile since it was a 2017 grantee, as well.

CSP State Entity (SE) Grants provide funding for state entities to support eligible applicants in planning and preparation for the opening of new charter schools and the replication and expansion of high-quality charter schools. Grant funds must also be used by the state entity to provide technical assistance to eligible applicants and to improve the quality of authorizing.

More State Authorizing Profiles may be added in the future. In addition, NCSRC may publish updated versions of State Authorizing Profiles to reflect changes in state policy.

The State Authorizing Profiles are intended to be used by state policymakers and practitioners to learn about their own authorizing policy environments and those of their peers. They may also be useful to charter school support organizations and charter management organizations that want to learn about different states' policy contexts.

Each state profile includes (1) a Framework Snapshot, which is an assessment of a state's authorizing practices using the Framework described in the first paragraph above and (2) a more detailed description of the state context for each practice. The basis for the state profiles was a review of the charter law and significant state policies for applicable states. Significant state policies included those issued by the state education agency and/or state board of education. NCSRC used this review to identify whether the authorizing practices specified in the Framework were present in state law or policy. That is, boxes that were checked in the Framework Snapshot indicated that particular aspects of an authorizing practice(s) were included in state law or policy.

The State Authorizing Profiles provide a foundation for understanding authorizing practices in the state. The profiles are not an exhaustive review of the state's authorizing policies and practices; they are intended to describe the key elements of the state's policy context for supporting high-quality authorizing practices. Therefore, it is possible that certain state policies are not reflected in the profiles and that individual authorizers within a state are implementing other practices, as well. In addition, the review does not assess the quality of implementation of the policies; it is possible that state policy or statute articulates a quality practice that authorizers do not implement with fidelity.

Finally, state policy is one strategy for advancing high-quality authorizing practices and is the focus of these profiles. However, there are other strategies and sources of support, including technical assistance and resources provided by state, regional, and local charter support associations. While this report does not address those other strategies, it provides a narrative of the policy context in which authorizers operate. We articulate this context to support authorizers and authorizer support organizations in understanding how to implement quality authorizing practices in their states.

Overview of State Law

Nevada’s charter school law was first established in 1997 with the passing of Senate Bill 220.ⁱⁱ The law allows for the creation of new charter schools and the conversion of traditional public schools to charter schools. The state’s charter school law has undergone various changes since its inception. For example, Senate Bill 384 was passed in 2013, and it allowed charter schools to be incorporated as nonprofit entities, and created new school closure requirements.ⁱⁱⁱ This bill authorized “the Director of the Department of Business and Industry to issue tax-exempt bonds and other obligations to fund the buildings and facilities necessary to operate a charter school.”^{iv} As such, schools can now “borrow money and encumber its property and assets, and to use public money to purchase property with the approval of its sponsor.”^v The legislature passed Assembly Bill 462 in 2019 which, in part, required (1) the State Public Charter School Authority to establish a plan to manage the growth of charter schools; (2) other authorizers to notify the Department of Education of certain actions relating to opening or expanding charter schools; and (3) authorizers to submit reports to the Legislative Committee on Education.^{vi}

State Authorizing Profile: Nevada

Framework Snapshot²

Authorization

- Does not cap charter school growth
- Provides for more than one authorizing pathway

Application includes the following:

- Specific application criteria
- Timelines
- Evaluation review process
- Process for denied applications

Performance-based contract includes and provides for the following:

- Separate post-application agreement
- Rights and responsibilities of authorizer and school
- Academic, financial, and operational performance expectations for schools
- Initial term of not more than five years
- Fiscal, legal, and programmatic autonomy for schools
- Independent charter school governing boards

Performance Monitoring

- Provides for annual authorizer evaluation of schools based on the performance goals and expectations set forth in performance-based contract
- Establishes a comprehensive accountability/monitoring system that includes performance expectations and compliance requirements
- Minimizes schools' administrative and reporting burden
- Articulates authorizer action for schools that fail to meet performance expectations (e.g., probation, sanction, or turnaround)

Renewal/Revocation

- Establishes a clear renewal process and decision-making criteria
- Requires that decisions to renew/revoke be based on student academic achievement
- Requires clear school closure procedures (e.g., parent notification, student enrollment, student record transfer, and disposition of assets)

Authorizer Accountability

- Provides for a registration process for eligible authorizing entities
- Requires the State entity to review authorizers' performance
- Requires authorizers to adhere to standards for high-quality authorizing

Authorizer Leadership, Student Access, and Student Services

- Requires a mission or strategic vision for authorizing
- Promotes quality authorizing by requiring technical assistance or professional development for authorizers and/or charter school applicants
- Ensures equitable access to all students
- Requires appropriate services for educationally disadvantaged students (e.g., students with special needs, English learners, students in foster care, or unaccompanied homeless youth)

Authorizer Funding

- Provides a mechanism for guaranteed access to authorizer funding
- Includes a process for holding authorizers accountable for how funding is used

Source(s): Nevada Revised Statutes (NRS) § 388A.010, et seq.

² As noted in the Introduction and Methodology, boxes checked in the framework snapshot indicate that aspects of an authorizing practice were included in state law or policy. If individual authorizers create and follow a certain policy that is not in state statute or policy, then the box will not be checked for the entire state.

Authorization

- ☒ Does not cap charter school growth
- ☒ Provides for more than one authorizing pathway

Does not cap charter school growth

Nevada does not limit charter school growth.

Provides for more than one authorizing pathway

Under Nevada law, local school boards, the State Public Charter School Authority, and a college or university within Nevada’s System of Higher Education can authorize charter schools.^{vii} Before authorizing charter schools, both local school boards and colleges and universities must first be approved to authorize by the Department of Education (see eligible authorizer registration process below for additional details). The State Public Charter School Authority was created, in part, to “(1) authorize charter schools of high-quality throughout this State with the goal of expanding the opportunities for pupils in this State, including, without limitation, pupils who are at risk; (2) provide oversight to the charter schools...to ensure that [they] maintain high educational and operational standards, preserve autonomy and safeguard the interests of pupils and the community; and (3) serve as a model for best practices.”^{viii}

Application includes the following:

- ☒ Specific application criteria
- ☒ Timelines
- ☒ Evaluation review process
- ☒ Process for denied applications

Specific application criteria

Nevada law requires that the applicant “(a) presents a clear, measurable and high-quality academic, financial and organizational vision and plans for the proposed charter school; and (b) provides the proposed sponsor of the charter school with a clear basis for assessing the capacity of the applicant to carry out the vision and plans.”^{ix} State law also requires that the Department of Education adopt regulations on charter school application criteria, including the timeline and process for application submissions, requisite application contents, and the process for reviewing applications.^x

Timelines

In addition, state law establishes charter application timelines. Authorizers must “consider applications at a public meeting either within 60 days after receiving an application, or at a later period mutually agreed upon by the parties.”^{xi} Within 30 days of the public meeting, the authorizer must notify applicants of its determination in writing.^{xii} In addition, charter contracts must be executed no later than 60 days before the school begins operation.^{xiii}

Evaluation review process

Nevada law requires the authorizer to review charter applications in accordance with the applicant components required by statute, as discussed above. This process includes (1) assembling a team of reviewers, (2) conducting an in-person interview, and (3) basing its

determination on the documented evidence collected during the review process. The law further states that authorizers can approve applications they have determined comply with both the law and the authorizers’ policies and practices.^{xiv}

Process for denied applications

The law specifies that an authorizer’s “denial or failure to act [on a charter application] must be based upon a finding that the [application requirements] have not been satisfied.”^{xv} The law further requires the authorizer to specify the application’s deficiencies in writing and confer with the applicant on “the method to correct the identified deficiencies [and submit a revised application].”^{xvi} If the applicant decides to address the deficiencies and resubmit the application, it must do so within 30 days after receiving this notification. Should the authorizer deny the resubmitted application, the applicant can, up to 30 days after this notification, appeal to the district court of the county in which the proposed charter school will be located.^{xvii}

Performance-based contract includes and provides for the following:

- Separate post-application agreement
- Rights and responsibilities of authorizer and school
- Academic, financial, and operational performance expectations for schools
- Initial term of not more than five years
- Fiscal, legal, and programmatic autonomy for schools
- Independent charter school governing boards

A separate post-application agreement

Nevada law defines charter contracts as agreements executed between the governing body of a charter school and the authorizer.^{xviii} The law requires that charter contracts be executed no later than 60 days before the charter school commences operation and that they include the following:

1. “The performance framework for the charter school;
2. A description of the administrative relationship between the sponsor of the charter school and the governing body of the charter school, including, without limitation, the rights and duties of the sponsor and the governing body; and
3. Any pre-opening conditions which the sponsor has determined are necessary for the charter school to satisfy before the commencement of operation to ensure that the charter school meets all building, health, safety, insurance and other legal requirements.”^{xix}

Rights and responsibilities of authorizer and school

As stated above, Nevada law requires the charter contract to include the relationship and responsibilities of the authorizer and charter school.

Academic, financial, and operational performance expectations for schools

As previously noted, the separate post-application agreement includes schools’ performance requirements. In addition, authorizers are responsible for ensuring “the collection, analysis and reporting of all data from the results of pupils enrolled in the school on statewide examinations to determine whether the school is meeting the performance indicators, measures and metrics

for the achievement and proficiency of pupils as set forth in the performance framework for the charter school.”^{xx}

An initial term of not more than five years

Nevada law provides an initial term of six years.^{xxi}

Fiscal, legal, and programmatic autonomy for schools

State law affords fiscal, legal, and programmatic autonomy for schools. For example, schools can enter into contracts, disburse funds, acquire land/property, and incur indebtedness.^{xxii}

Independent charter school governing boards

State law requires that independent charter school governing boards oversee charter school operations. As noted above, it is the authorizer and the independent governing board that enter into the separate post-application agreement.

Performance Monitoring

- Provides for annual authorizer evaluation of schools based on the performance goals and expectations set forth in performance-based contract
- Establishes a comprehensive accountability/monitoring system that includes performance expectations and compliance requirements
- Minimizes schools’ administrative and reporting burden
- Articulates authorizer action for schools that fail to meet performance expectations (e.g., probation, sanction, or turnaround)

Provides for annual authorizer evaluation of schools based on the performance goals and expectations set forth in performance-based contract

Nevada statute expressly requires that the performance framework for a charter school be included in a charter contract.^{xxiii} Authorizers’ performance frameworks “must include, without limitation, performance indicators, measures and metrics for the categories of academics, finances and organization,” and the law provides additional details on these indicators, measures, and metrics.^{xxiv} Statute further requires that the authorizer and governing board collaborate to establish annual performance goals to ensure that the charter school is meeting the performance indicators, measures, and metrics set forth in the performance framework.^{xxv} Lastly, the State Public Charter School Authority’s Academic, Financial, and Organizational Frameworks are posted on the department’s website.^{xxvi}

Establishes a comprehensive accountability/monitoring system that includes performance expectations and compliance requirements

Under state law, charter school applications must include “information relating to pupils included in the statewide system of accountability for public schools, including, without limitation, information relating to specific groups and subgroups of pupils.”^{xxvii} Authorizers are responsible for monitoring charter schools in accordance with the terms of their contracts, ensuring legal compliance, and conducting site evaluations during the school’s first, third, and fifth years after entering into both initial and renewal charter agreements.^{xxviii}

Minimizes schools' administrative and reporting burden

The law does not address minimizing schools' administrative or reporting burden. It does, however, require authorizers to adhere to nationally recognized quality authorizing standards/principles which include minimizing schools' burden.

Articulates authorizer action for schools that fail to meet performance expectations (e.g., probation, sanction, or turnaround)

In addition to nonrenewal and revocation decisions further discussed, state law allows authorizers to reconstitute a school's governing board if it finds, for example, that the school "has persistently underperformed, as measured by the performance indicators, measures and metrics set forth in the performance framework for the charter school."^{xxxix} Before reconstituting the board, the authorizer must give the school at least 30 days to rectify the identified deficiencies and make its final determination at a public hearing.^{xxx}

In addition, the State Public Charter School Authority's Academic, Financial, and Organizational Frameworks include authorizer action for schools failing to meet the performance expectations established in their contracts.^{xxxix}

Renewal/Revocation

- ☒ Establishes a clear renewal process and decision-making criteria
- ☒ Requires that decisions to renew/revoke be based on student academic achievement
- ☒ Requires clear school closure procedures (e.g., parent notification, student enrollment, student record transfer, and disposition of assets)

Establishes a clear renewal process and decision-making criteria

Nevada law directs authorizers to develop renewal processes and evaluation criteria. For example, authorizers are charged with submitting a written report to the school's governing board by June 30 of the year before the final year of the school's contract with (1) an overview of the school's performance under its contract; (2) any deficiencies related to the school's performance; and (3) the authorizer's renewal application and evaluation requirements. The governing board then has the opportunity to respond to this information; if it decides to pursue renewal, it must do so by October 15 of the final year of the contract. The law instructs that charter schools can be renewed for 3 to 10 years, as well. Lastly, the authorizer must notify the applicant of its renewal decision within 60 days after receiving it.^{xxxii, xxxiii}

Requires that decisions to renew/revoke be based on student academic achievement

As noted in the previous section, Nevada statute specifies that nonrenewal/revocation decisions should be based significantly on student academic achievement.

Requires clear school closure procedures

The law provides various school closure procedures. For example, the governing board must (1) notify the parents/legal guardians of students enrolled at the school; (2) develop and present the authorizer with the school's written school closure plan; and (3) conduct a financial audit and an inventory of assets and produce a written report for the authorizer and the department.^{xxxiv}

Authorizer Accountability

- ☒ Provides for a registration process for eligible authorizing entities
- ☒ Requires the State entity to review authorizers' performance
- ☒ Requires authorizers to adhere to standards for high-quality authorizing

Provides for a registration process for eligible authorizing entities

Nevada law indicates that school districts' boards of trustees "may apply to the Department for authorization to [authorize] charter schools within [their] district."^{xxxv} The law requires that (1) applications be approved "by the Department before the board of trustees may sponsor a charter school" and (2) within 180 days of being approved to authorize charter schools, the board of trustees must provide public notice of its ability to authorize and solicit charter school applications.^{xxxvi}

Requires the state entity to review authorizers' performance

Statute establishes various instances for which state entities must review charter authorizers' performance. First, the Department of Education must conduct a comprehensive review of all authorizers every three years, including (1) reviewing annual reports submitted by authorizers to the department; (2) determining authorizers' compliance with applicable statutes and regulations; and (3) assessing whether authorizers apply nationally recognized best practices.^{xxxvii} Once complete, the department then determines whether to revoke the right of eligible entities to authorize charter schools.^{xxxviii}

Second, the law directs the superintendent of public instruction to submit a written report to the director of the Legislative Council Bureau on or before January 1 of each odd-numbered year; this report includes such data as a list of all charter school applications, the status of current applications, and the authorizers' application determinations.^{xxxix}

Lastly, the law requires authorizers to submit a written report to the department by February 15 that includes such data as a (1) summary of the academic, financial, and organizational performance for the schools it authorized; (2) description of the authorizer's strategic vision and steps toward achieving that vision; and (3) description of authorizer-provided services.^{xl}

Requires authorizers to adhere to standards for high-quality authorizing

State law further requires that authorizers develop policies and practices consistent with nationally recognized policies and practices for sponsoring organizations of charter schools.^{xli}

Authorizer Leadership, Student Access, and Student Services

- ☒ Requires a mission or strategic vision for authorizing
- ☒ Promotes quality authorizing by requiring technical assistance or professional development for authorizers and/or charter school applicants
- ☒ Ensures equitable access to all students
- ☒ Requires appropriate services for educationally disadvantaged students (e.g., students with special needs, English learners, students in foster care, or unaccompanied homeless youth)

Requires a mission or strategic vision for authorizing

Nevada law requires authorizers to develop “a strategic plan for the oversight and provision of technical support to charter schools that are sponsored by the sponsor in the areas of academic, fiscal, and organizational performance.”^{xlii}

Promotes quality authorizing by requiring technical assistance or professional development for authorizers and/or charter school applicants

State statute mandates that authorizers provide “reasonable assistance” to charter school applicants and “technical and other reasonable assistance to a charter school for the operation of the charter school.”^{xliii} Examples of these types of assistance include providing technical assistance in developing strategic plans for recruiting operators and assessing charter school needs.^{xliiv}

Ensures equitable access for all students

Nevada law requires charter schools to enroll all eligible students in the order in which applications are received.^{xlv} It also prohibits discriminatory admissions practices on the basis of race, gender, religion, ethnicity, disability, or gender identity or expression.^{xlvi} Applicants must also include their “plans and timelines for recruiting and enrolling students, including procedures for any lottery for admission that the charter school plans to conduct.”^{xlvii}

Requires appropriate services for educationally disadvantaged students (e.g., students with special needs, English learners, students in foster care, or unaccompanied homeless youth)

The law specifies that charter applications include a description on how the school “plans to identify and serve the needs of pupils with disabilities, pupils who are English learners, pupils who are academically behind their peers and gifted pupils.”^{xlviii} It further permits the creation of charter schools dedicated to providing services to certain student groups, such as those with special needs or those who are at-risk.^{xlix}

Authorizer Funding

- Provides a mechanism for guaranteed access to authorizer funding
- Includes a process for holding authorizers accountable for how funding is used

Provides a mechanism for guaranteed access to authorizer funding

The law affords authorizers a yearly fee of not more than two percent of the total amount of money apportioned to the charter school during the school year.¹ It also indicates that charter school governing boards can purchase services from the authorizer (excluding those services which are covered by the authorizer’s fee.)^{li}

Includes a process for holding authorizers accountable for how funding is used

The law does not include a process for holding all authorizers accountable for how funding is used. The State Public Charter School Authority, however, annually reports its use of authorizer funding to the state.^{lii}

Endnotes

ⁱ Language in ESSA Framework Details section below was taken directly and adapted from Title IV, Part C of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (ESSA), §§ 4301 to 4311 (20 U.S.C. §§ 7221 to 7221j)—<https://oese.ed.gov/offices/office-of-discretionary-grants-support-services/charter-school-programs/state-entities/funding-and-legislation/>; Language in the NACSA: Framework Details section below were taken directly or adapted from the following resources: National Association of Charter School Authorizers: Quality Authorizing Practices; Reinvigorating the Pipeline; Authorizer Accountability Model Language; Higher Education Institution Authorizers; Leadership, Commitment, Judgment: Elements of Successful Charter School Authorizing; Findings from the Quality Practice Project; Principles and Standards for Quality Charter School Authorizing; Putting an End to Authorizer Shipping; Language in the Alliance: Framework Details section below were taken directly or adapted from the following resources: National Alliance for Public Charter Schools: 2019 State Charter Law Ranking—<https://www.publiccharters.org/ranking-state-public-charter-school-laws-2019>; 2016 Model Charter School Law—<https://www.publiccharters.org/sites/default/files/migrated/wp-content/uploads/2016/10/2016ModelCharterSchoolLaw.pdf>

ⁱⁱ Nevada Revised Statutes, Charter School Application Process and Authorization, http://www.leg.state.nv.us/74th/Interim_Agendas_Minutes_Exhibits/Exhibits/Education/EO22108B.pdf

ⁱⁱⁱ Nevada Legislature, Seventy-Seventh Session (2013), Summary of Legislation, <https://www.leg.state.nv.us/Division/Research/Publications/SoL/2013SoL.pdf>

^{iv} Id.

^v Id.

^{vi} Assembly Bill 462 (2019), <https://www.leg.state.nv.us/App/NELIS/REL/80th2019/Bill/6885/Text>

^{vii} NRS § 388A.150.

^{viii} Id.

^{ix} NRS §§ 388A.243 and 388A.246.

^x NRS § 388A.105.

^{xi} NRS § 388A.255.

^{xii} Id.

^{xiii} NRS § 388A.270

^{xiv} NRS § 388A.255.

^{xv} NRS § 388A.252.

^{xvi} Id.

^{xvii} Id.

^{xviii} NRS § 388A.015.

^{xix} NRS § 388A.270(1)(c).

^{xx} NRS § 388A.229(2).

^{xxi} NRS § 388A.270(8).

^{xxii} NRS § 388A.378(4).

^{xxiii} NRS § 388A.040.

^{xxiv} NRS § 388A.273(1).

^{xxv} NRS § 388A.273(3).

- ^{xxvi} Nevada Department of Education, State Public Charter School Authority Frameworks, <https://charterschools.nv.gov/ForSchools/Accountability/>
- ^{xxvii} NRS § 388A.167(3)(a).
- ^{xxviii} NRS § 388A.223(1)(i).
- ^{xxix} NRS § 388A.330.
- ^{xxx} Id.
- ^{xxxi} Nevada Department of Education, State Public Charter School Authority Frameworks, <https://charterschools.nv.gov/ForSchools/Accountability/>. See also <https://charterschools.nv.gov/uploadedFiles/CharterSchoolsnvgov/content/Grocers/200304-Charter-School-Performance-Framework-Guidance-FINAL.pdf>
- ^{xxxii} NRS § 388A.285.
- ^{xxxiii} NRS § 388A.223(2)(c).
- ^{xxxiv} NRS § 388A.306.
- ^{xxxv} NRS § 388A.220.
- ^{xxxvi} Id.
- ^{xxxvii} NRS § 388A.230(1).
- ^{xxxviii} NRS § 388A.230(4).
- ^{xxxix} NRS § 388A.249(5).
- ^{xl} NRS § 388A.351.
- ^{xli} NRS § 388A.223(2).
- ^{xlii} NRS § 388A.223(2)(f)(2).
- ^{xliii} NRS § 388A.226(1).
- ^{xliv} Id.
- ^{xlv} NRS § 388A.453.
- ^{xlvi} NRS § 388A.453(6).
- ^{xlvii} NRS § 388A.246(11).
- ^{xlviii} NRS § 388A.246(10).
- ^{xlix} NRS § 388A.453(8).
- ¹ NRS § 388A.414(1).
- ⁱⁱ NRS § 388A.381(1).
- ⁱⁱⁱ Budget 2711 - State Public Charter School Authority, <https://www.leg.state.nv.us/App/NELIS/REL/81st2021/Budget/7127/Text>