



Legislative Council Staff

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Fiscal Note

Drafting Number:	LLS 21-0764	Date:	May 4, 2021
Prime Sponsors:	Rep. Bacon Sen. Story	Bill Status:	House Education
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Bill Topic: REBUTTABLE PRESUMPTION IN CHARTER SCHOOL APPEALS

Summary of Fiscal Impact: **No Fiscal Impact.** The bill creates a rebuttable presumption for appeals to the State Board of Education that a local school board's decision related to a charter school was in the best interests of students, the district, or the community.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The fiscal note reflects the introduced bill.

Summary of Legislation

Under current law, any person may appeal to the State Board of Education (SBE) a decision of a local board of education concerning the denial of a charter school application, the nonrenewal, or revocation of a charter school, or the imposition of unilateral conditions on a charter applicant or school. This bill creates a rebuttable presumption that a local board's decision was in the best interests of the students, school district, or community if the decision was based on:

- the likelihood of a conflict with the school district's long-term plans;
- student enrollment among the schools of the district; or
- financial considerations.

A person bringing an appeal may overcome the presumption by a preponderance of the evidence demonstrating that the local board's decision was not based on at least one of those considerations.

Assessment of No Fiscal Impact

The bill creates a standard of review for appeals heard by the SBE concerning charter schools. The rebuttable presumption is not expected to substantially change the number of charter school appeals heard by the SBE. As a result, the bill will have no impact on the revenue, expenditures, or workload of any state agency, local government, or school district, and is assessed as having no fiscal impact.

Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

State and Local Government Contacts

Education

Law

School Districts