

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1719

S.P. 672

In Senate, April 17, 2025

An Act Regarding Superintendent Agreements for Transfer Students

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in black ink, appearing to read "D M Grant", is positioned above the printed name of the Secretary of the Senate.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator RAFFERTY of York.
Cosponsored by Representative SARGENT of York and
Representatives: DODGE of Belfast, MURPHY of Scarborough.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 20-A MRSA §5205, sub-§6, ¶A**, as amended by PL 2013, c. 456, §1, is
3 repealed.

4 **Sec. 2. 20-A MRSA §5205, sub-§6, ¶A-1** is enacted to read:

5 A-1. The following provisions govern the process for initiating a request to transfer a
6 student from one school administrative unit to another and the process by which a
7 superintendent may approve or deny a request and give notice of the superintendent's
8 decision.

9 (1) A student's parent may request to transfer the student from one school
10 administrative unit to another at any point in the school year if the transfer request
11 is for the current school year. A student's parent may not submit a request before
12 April 15th if the parent is requesting that the student be transferred to another
13 school administrative unit for the following school year.

14 (2) A transfer request must be initiated by submitting a request to the
15 superintendent of the school administrative unit where the student resides. The
16 superintendent receiving a transfer request shall consult with the superintendent of
17 the school administrative unit to which the student's parent is requesting the student
18 be transferred before either superintendent decides to approve or deny the request.
19 Each superintendent shall make a determination within 30 calendar days of
20 receiving a transfer request.

21 (3) A superintendent may approve the transfer of a student from one school
22 administrative unit to another if the superintendent finds that the transfer is in the
23 best interest of the student and the school community.

24 (4) A transfer request is not approved unless both superintendents approve the
25 request.

26 (5) If approved, the transfer takes effect for the entirety of the school year. If during
27 the school year there is a change of circumstances unrelated to the original transfer
28 request and the parent and both superintendents agree that reversing the transfer is
29 in the best interest of the student and school communities, the transfer must be
30 reversed.

31 (6) The superintendents shall notify the commissioner of any transfer approved
32 under this paragraph.

33 (7) Each superintendent shall provide to the parent of the student requesting a
34 transfer under this paragraph a written description of the basis of that
35 superintendent's determination and documentation of the process taken to reach
36 that determination.

37 **Sec. 3. 20-A MRSA §5205, sub-§6, ¶B**, as amended by PL 2013, c. 456, §2, is
38 repealed.

39 **Sec. 4. 20-A MRSA §5205, sub-§6, ¶B-1** is enacted to read:

40 B-1. If a transfer request made under paragraph A-1 is denied, the parent of the student
41 requesting the transfer may, within 15 calendar days of receiving notice of a
42 superintendent's determination, request that the commissioner review the

1 determination. Upon a timely request made pursuant to this paragraph, the
2 commissioner shall review the determination as follows.

3 (1) If only one superintendent has denied the transfer request, the commissioner
4 shall review whether the transfer is in the best interest of the student and school
5 community and whether the process described in paragraph A-1 was followed. The
6 commissioner shall review the superintendents' determinations and may
7 communicate with the superintendents and with the parent of the student prior to
8 making a decision. The commissioner may approve or deny the transfer and shall
9 provide to the parent of the student and to the superintendents a written decision
10 describing the basis of the commissioner's determination. A parent of the student
11 requesting the transfer and either superintendent involved in the transfer request
12 may request a review of the commissioner's determination as follows.

13 If dissatisfied with the commissioner's decision, a parent of the student requesting
14 a transfer or either superintendent may, within 15 calendar days of notification of
15 the commissioner's decision, request that the state board review the transfer to
16 ensure the process was followed with respect to the determinations made by the
17 superintendents pursuant to paragraph A-1 and the review performed by the
18 commissioner pursuant to this subparagraph. The state board shall review
19 documentation from each superintendent and the commissioner outlining the
20 process each individual used for deciding to approve or deny the transfer. The state
21 board shall, within 45 calendar days of receiving the request, determine whether
22 the appropriate processes were followed. The state board shall provide to the
23 parent of the student, the superintendents and the commissioner a written decision
24 describing the basis of the state board's determination.

25 (a) If the state board determines that the superintendents and the commissioner
26 followed the appropriate processes, the state board shall uphold the
27 commissioner's decision. The state board's decision is final and binding.

28 (b) If the state board determines that either superintendent or the commissioner
29 did not follow the appropriate process, the superintendents shall revisit the
30 transfer request within 30 calendar days and issue a new determination with
31 documentation showing the process was followed. The state board shall
32 review the process that was followed to issue the new determination, and if the
33 state board determines that the process required of the superintendents as
34 described in paragraph A-1 was not followed, the state board may decide to
35 overturn the superintendents' determination based on the facts of the case. The
36 state board's decision is final and binding.

37 (2) If both superintendents have denied the transfer request, the commissioner shall
38 review only whether the process described in paragraph A-1 was followed.

39 (a) If the commissioner determines that the process was followed, the transfer
40 request is denied. This determination is final and binding.

41 (b) If the commissioner determines that the process was not followed, the
42 superintendents shall revisit the transfer request within 30 calendar days of
43 notification from the commissioner. Each superintendent shall issue a new
44 determination to the parent with documentation showing the process was
45 followed.

Sec. 5. 20-A MRSA §5205, sub-§6, ¶F, as amended by PL 2013, c. 456, §3, is repealed.

SUMMARY

This bill modifies the provisions of law governing requests to transfer a student from one school administrative unit to another school administrative unit.

The bill clarifies when during the school year a student's parent may request a transfer for the current school year or for the following school year. The bill clarifies that a transfer request is initiated with the superintendent of the school administrative unit where the student resides and that the superintendent must consult with the superintendent of the school to which the student's parent is requesting the student be transferred before approving or denying the transfer. The bill also clarifies that both superintendents must approve the transfer and if one denies the transfer request, the transfer request is denied.

The bill modifies the existing processes for reviewing transfer request determinations. In current law, a parent may request that the Commissioner of Education review a transfer decision, and the commissioner must review the superintendents' decisions, communicate with the parties and either approve or deny the request. In current law, a parent may also request the commissioner's decision be reviewed by the State Board of Education, which must either approve or deny the transfer request.

The bill modifies this process by establishing different standards of review for a case where a request is denied by only one of the superintendents versus a case where both superintendents have denied the request. The bill specifies that only requests that have been denied by one but not both superintendents may be referred to the state board for an additional review after the commissioner has reviewed the superintendents' determinations. The bill also provides that, for the determinations of the commissioner that may be referred to the state board, the superintendents involved and the student's parent are authorized to request that the state board review the commissioner's decision. The bill provides additional details concerning the subject matter of the reviews conducted by the commissioner and the state board, the materials that must be reviewed, with whom the commissioner may confer and the effect of the commissioner's and state board's determinations on the status of the transfer request.