

# MAINE STATE LEGISLATURE

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# 132nd MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2025

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Legislative Document

No. 1760

H.P. 1178

House of Representatives, April 22, 2025

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### **An Act to Promote Public Education in Maine by Amending the Laws Governing Student Transfers**

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

A handwritten signature in cursive script, reading "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative HAGGAN of Hampden.  
Cosponsored by Senator HAGGAN of Penobscot and  
Representatives: BAGSHAW of Windham, GRIFFIN of Levant, LYMAN of Livermore Falls,  
MINGO of Calais, SOBOLESKI of Phillips, TUELL of East Machias, Senators: LIBBY of  
Cumberland, TIMBERLAKE of Androscoggin.

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

2       **Sec. 1. 20-A MRSA §1258, sub-§1, ¶C**, as enacted by PL 1981, c. 693, §§5 and  
3       8, is amended to read:

4           C. Secondary school facilities may be operated as 4-year schools, a 6-year school for  
5           grades 7 to 12 or 2 or more 3-year schools, except that students living in an area remote  
6           from a public school may be provided for under section ~~5204~~ 5203.

7       **Sec. 2. 20-A MRSA §1479, sub-§1**, as enacted by PL 2007, c. 240, Pt. XXXX,  
8       §13, is amended to read:

9           **1. Secondary school.** A secondary school facility may be operated as a 4-year school,  
10          as a 6-year school for grades 7 to 12 or as 2 or more 3-year schools, except that students  
11          living in an area remote from a public school may be provided for under section ~~5204~~ 5203.

12       **Sec. 3. 20-A MRSA §5203**, as amended by PL 2007, c. 668, §29, is further amended  
13       to read:

14       **§5203. Elementary students Student right to attend school in another administrative**  
15       **unit**

16          The following provisions govern the right of ~~elementary students~~ a student to attend  
17          school in another school administrative unit other than the one in which ~~they are~~ that  
18          student is resident.

19           **1. Units with an elementary school.** ~~An elementary~~ A student may attend ~~an~~  
20          ~~approved private school or a public elementary or secondary school, including a contract~~  
21          ~~school under section 2701, in any school administrative unit with the consent of the~~  
22          ~~receiving school's school board. The student's parent or guardian, as long as there is~~  
23          ~~capacity in the receiving school. The school administrative unit where the student's parent~~  
24          ~~or guardian resides shall pay the cost of tuition and transportation. The receiving school~~  
25          ~~shall notify the superintendent of the school administrative unit where the student's parents~~  
26          ~~reside parent or guardian resides of the name and grade of the accepted student.~~

27           **2. Living remote from public schools in a school administrative unit.** ~~Elementary~~  
28          ~~students~~ A student whose ~~parents live~~ parent or guardian lives remote from a public school  
29          in ~~their~~ that student's school administrative unit may, ~~with the consent of the school board~~  
30          ~~in their unit~~, attend public school in an adjoining school administrative unit in Maine or a  
31          neighboring state if the adjoining unit ~~accepts tuition students~~ has the capacity in the  
32          receiving school and grade level to accept students. The school administrative unit where  
33          the ~~students' parents reside~~ student's parent or guardian resides shall pay tuition and  
34          transportation. The receiving school shall notify the superintendent of the school  
35          administrative unit where the student's parent or guardian resides of the name and grade of  
36          the accepted student.

37           **3. Contract school.** ~~Students~~ A student whose ~~parents reside~~ parent or guardian  
38          resides in a school administrative unit ~~which that~~ contracts for school privileges under  
39          section 2701 may attend the contract school. The school administrative unit in which ~~their~~  
40          ~~parents reside~~ the student's parent or guardian resides shall pay the costs of the contract and  
41          transportation. The receiving contract school shall notify the superintendent of the school  
42          administrative unit where the student's parent or guardian resides of the name and grade of  
43          the accepted student.

1       **4. Exception; no elementary school.** A school administrative unit that neither  
2 maintains ~~an elementary~~ a school nor contracts for elementary school privileges pursuant  
3 to chapter 115 shall pay the tuition, in accordance with chapter 219, ~~at the public school or~~  
4 ~~the approved private school of the parent's choice at which the student is accepted.~~ The  
5 receiving school shall notify the superintendent of the school administrative unit where the  
6 student's parent or guardian resides of the name and grade of the accepted student.

7       **5. Units with 10 or fewer students.** ~~Elementary students~~ A student whose parents  
8 ~~reside~~ parent or guardian resides in a school administrative unit with a total April 1st  
9 resident student count of 10 or less may attend public school as a tuition ~~students~~ student  
10 in a nearby school administrative unit. The school board of the nearby school  
11 administrative unit shall accept the ~~students~~ student if requested by the ~~school board of the~~  
12 ~~unit in which the students' parents reside~~ student's parent or guardian. The school board  
13 where the ~~students' parents reside~~ student's parent or guardian resides shall pay tuition and  
14 transportation. The receiving school shall notify the superintendent of the school  
15 administrative unit where the student's parent or guardian resides of the name and grade of  
16 the accepted student.

17       **Sec. 4. 20-A MRSA §5204**, as amended by PL 2007, c. 668, §30, is repealed.

18       **Sec. 5. 20-A MRSA §5205, sub-§6**, as amended by PL 2015, c. 448, §10, is further  
19 amended to read:

20       **6. Transfer students.** ~~The Pursuant to section 5203, the following provisions apply~~  
21 ~~to student transfers of students from one school administrative unit to another school~~  
22 ~~administrative unit and from one school to another school within the same school~~  
23 ~~administrative unit.~~

24       ~~A. Two superintendents may approve the transfer of a student from one school~~  
25 ~~administrative unit to another if:~~

26               ~~(1) They find that a transfer is in the student's best interest; and~~

27               ~~(2) The student's parent approves.~~

28       ~~The superintendents shall notify the commissioner of any transfer approved under this~~  
29 ~~paragraph. If either of the superintendents decides not to approve the transfer, that~~  
30 ~~superintendent shall provide to the parent of the student requesting transfer under this~~  
31 ~~paragraph a written description of the basis of that superintendent's determination.~~

32       A-1. A request by a student's parent or guardian for a transfer from one school  
33 administrative unit to another school administrative unit or from one school to another  
34 school within the same school administrative unit must be approved by the receiving  
35 school administrative unit or school, as long as there is sufficient capacity for  
36 enrollment at the receiving school and grade level pursuant to paragraph C-1. If a  
37 transfer request is denied, the receiving school administrative unit shall provide to the  
38 student's parent or guardian a written description of the basis of that school  
39 administrative unit's decision.

40       ~~B. On the request of the parent of a student requesting transfer~~ If a transfer request  
41 under paragraph A A-1 is denied, the commissioner shall review the transfer. The  
42 commissioner shall review the superintendents' receiving school administrative unit's  
43 determinations and communicate with the superintendents receiving school

1 administrative unit and with the parent or guardian of the student prior to making a  
2 decision. The commissioner may approve or disapprove the transfer and shall provide  
3 to the parent or guardian of the student and to the ~~superintendents~~ receiving school  
4 administrative unit a written decision describing the basis of the commissioner's  
5 determination.

6 C. ~~The superintendents shall annually review any transfer under this subsection.~~

7 C-1. A school administrative unit shall determine monthly the available capacity per  
8 grade level in each of the school administrative unit's schools. The number of available  
9 seats per grade level must be posted on each school's publicly accessible website by  
10 the first day of each month. The capacity for each school must be measured by grade  
11 level and may not be measured by program or special program capacity.

12 C-2. A transfer policy created by a school administrative unit may not discriminate  
13 against any student on the basis of that student's residential address, ability, disability,  
14 race, ethnicity, sex or socioeconomic status.

15 D. For purposes of the state school subsidy, a student transferred under this subsection  
16 is considered a resident of the school administrative unit to which the student is  
17 transferred. Upon request of the superintendent of schools in the unit in which a student  
18 is placed in accordance with this subsection, the state share percentage for subsidized  
19 educational costs for that student is equivalent to the state share percentage of the unit  
20 in which the student's parent or ~~legal~~ guardian resides or the average state share  
21 percentage, whichever is greater. If the parent or ~~legal~~ guardian does not reside in the  
22 State or ~~can not~~ cannot be located, the subsidy is the state average subsidy.

23 D-1. Each school administrative unit shall adopt and implement a policy that allows  
24 students to apply for transfer to another public school within the student's resident  
25 school administrative unit or to a school in another school administrative unit. The  
26 policy must outline the procedures for submitting a transfer request and the rights of  
27 students under the policy. Each school administrative unit shall post the adopted  
28 transfer policy prominently on its publicly accessible website.

29 E. A school administrative unit may not charge tuition for a transfer approved under  
30 this subsection.

31 F. If dissatisfied with the commissioner's decision, a parent or guardian of a student  
32 requesting transfer ~~or either superintendent~~ may, within 10 calendar days of the  
33 commissioner's decision, request that the state board review the transfer. The state  
34 board shall review the ~~superintendents'~~ school administrative units' determinations and  
35 communicate with the commissioner, the ~~superintendents~~ school administrative units  
36 and the parent or guardian of the student. The state board may approve or disapprove  
37 the transfer. The state board shall make a decision within 45 calendar days of receiving  
38 the request and shall provide to the parent or guardian of the student, the  
39 ~~superintendents~~ school administrative units and the commissioner a written decision  
40 describing the basis of the state board's determination. The state board's decision is  
41 final and binding.

42 G. Notwithstanding paragraph D, if the commissioner or state board approves a  
43 transfer under this subsection and the student subject to the transfer is receiving special

1 education services, the state subsidy of special education costs for the transferred  
2 student may not be reduced as a result of the transfer.

3 A transfer under this subsection may not be made to a receiving school administrative unit  
4 that does not operate a public school that includes the grade level of the student whose  
5 parent or guardian requests the transfer, unless the ~~superintendents of both the sending and~~  
6 receiving school administrative units approve the transfer.

7 A school administrative unit shall notify the commissioner annually by July 1st of the  
8 number of transfer applications, acceptances and denials and the reason for each denial.  
9 The commissioner shall publish the data annually on the department's publicly accessible  
10 website.

11 **Sec. 6. 20-A MRSA §5205, sub-§6-A**, as enacted by PL 2011, c. 651, §1, is  
12 amended to read:

13 **6-A. Interdistrict enrollment policies.** ~~The school~~ School boards of 2 or more school  
14 administrative units ~~may adopt mutual policies allowing that wish to allow the transfer of~~  
15 students, with parental or guardian approval, among the participating units. ~~The must adopt~~  
16 mutual policies ~~must that~~ set forth procedures and standards governing the transfers,  
17 including but not limited to the school year or years in which the policy applies, application  
18 procedures and standards of responsibility for transportation and special education. Each  
19 school board adopting a policy under this subsection shall file a copy of the policy with the  
20 department prior to the effective date of that policy and shall provide timely notice of the  
21 policy to residents of the school administrative unit governed by that school board. For the  
22 purposes of chapter 606-B, a student transferred under this subsection is considered a  
23 resident of the school administrative unit to which the student transferred.

24 **Sec. 7. 20-A MRSA §5205, sub-§6-B**, as amended by PL 2019, c. 219, §5, is  
25 further amended to read:

26 **6-B. Education service center enrollment policies.** Members in an education service  
27 center, as defined in section 3801, subsection 1, paragraph B, ~~may~~ shall adopt a mutual  
28 policy allowing the transfer of students, with parental or guardian approval, among the  
29 member school administrative units. The mutual policy must set forth procedures and  
30 standards governing the transfers, including but not limited to the school year or years in  
31 which the policy applies, application procedures and standards of responsibility for  
32 transportation and special education. Each member school board that adopts the mutual  
33 policy under this subsection shall post a copy of the mutual policy on the school  
34 administrative unit's publicly accessible website and shall provide timely notice of the  
35 policy to residents of the school administrative unit governed by that school board. For the  
36 purposes of chapter 606-B, a student transferred under this subsection is considered a  
37 resident of the school administrative unit to which the student transferred.

38 **Sec. 8. 20-A MRSA §5205, sub-§7**, as amended by PL 2003, c. 477, §4, is further  
39 amended to read:

40 **7. Homeless students.** Pursuant to section 261, the commissioner ~~may~~ shall adopt  
41 rules to ensure that each homeless student has unrestricted access to the free public  
42 education afforded by section 2, subsection 1. The rules must implement the requirements  
43 and policies of the McKinney-Vento Homeless Education Assistance Improvement Act of  
44 2001, 42 United States Code, Section 11431 et seq., and may be adopted as part of or in

1 conjunction with the required state plan. The rules must include, but are not limited to,  
2 provisions for the resolution of disputes regarding the educational placement of homeless  
3 students according to the best interest of homeless students, provisions that homeless  
4 students receive services comparable to services offered to other students in the schools  
5 they attend, provisions to address transportation and health records as a barrier to school  
6 admission and other provisions required by United States Code, Title 42, Section 11431.

## 7 SUMMARY

8 This bill amends the laws governing student school transfers by:

9 1. Consolidating the provisions regarding elementary school transfers and secondary  
10 school transfers into one section of law;

11 2. Requiring notification of accepted transfers to parents and guardians and the sending  
12 school administrative unit and amending decision review procedures;

13 3. Establishing requirements regarding school capacity for transfer students and  
14 requiring school administrative units to report to the Commissioner of Education annually  
15 the number of transfer applications, acceptances and denials and the reason for each denial;

16 4. Requiring that a school administrative unit's transfer policy not discriminate against  
17 any student on the basis of that student's residential address, ability, disability, race,  
18 ethnicity, sex or socioeconomic status;

19 5. Requiring school boards of 2 or more school administrative units that wish to allow  
20 the transfer of students among the participating units to adopt mutual policies that set forth  
21 procedures and standards governing the transfers and requiring members of an education  
22 service center to adopt a mutual policy allowing the transfer of students among the member  
23 school administrative units; and

24 6. Requiring the commissioner to adopt rules to ensure that homeless students have  
25 unrestricted access to free public education.