

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Education's Grade Assignment of pupils
20 MRSA 473-8

JOSEPH E. BRENNAN
ATTORNEY GENERAL



RICHARD S. COHEN
JOHN M. R. PATERSON
DONALD G. ALEXANDER
DEPUTY ATTORNEYS GENERAL

STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04333

March 2, 1977

Honorable Minnette H. Cummings
Senator, District 24
State House
Augusta, Maine 04333

Dear Senator Cummings:

Your letter of February 15, 1977, addressed to Attorney General Joseph E. Brennan, was referred to my attention. You inquired as to "whether once a pupil is legally admitted to the public school the local system has the right to assign this pupil to any grade level which it considers appropriate."

It is my opinion that the local administrative unit has the right to assign a pupil to the grade level which it considers appropriate. I base this opinion on 20 MRSA, section 473, subsection 8, which states that the "school committees and school directors shall . . . determine what description of scholars shall attend each school, classify them and transfer them from school to school where more than one school is kept at the same time."

If, however, the pupil being assigned is a special education child, then the special education laws would be in effect (20 MRSA, chapter 404). The parents or guardian of such a child have the right to be heard on the placement of their child pursuant to the guidelines and regulations established by the Commissioner of the Department of Educational and Cultural Services.

Please contact me if you need any further information on this matter.

Respectfully yours,

A handwritten signature in dark ink, appearing to read "W. G. Buschmann", with a horizontal line extending to the right.

Waldemar G. Buschmann
Assistant Attorney General

WGB:va

cc: Joseph E. Brennan ✓
Attorney General