

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 1374

H.P. 1009

House of Representatives, March 18, 2003

**An Act To Ensure That No Maine Child Is Left behind by  
Improving the Overall Education of Disadvantaged Children and  
Complying with New Federal Education Funding Requirements**

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative GLYNN of South Portland.

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

4 **Sec. 1. 20-A MRSA c. 112** is enacted to read:

6 **CHAPTER 112**

8 **CHARTER SCHOOLS**

10 **§2411. Charter schools authorized**

12 Charter schools are authorized as public schools of this  
14 State. Charter schools may be created to meet the learning needs  
16 of students, to provide academic choices to parents and students,  
18 to provide professional opportunities for educators and for other  
20 educational purposes. Individual charter schools must be created  
22 by acts of the Legislature.

24 **Sec. 2. 20-A MRSA §2951, sub-§2,** as enacted by PL 1981, c.  
26 693, §§5 and 8, is repealed.

28 **Sec. 3. 20-A MRSA §5205, sub-§6,** as amended by PL 1991, c.  
30 365, §2, is further amended to read:

32 **6. Transfer students.** The following provisions apply to  
34 transfers of students from one school administrative unit to  
36 another or between a school administrative unit and a private  
school approved for tuition purposes under section 2951.

38 A. Two Except as provided in subsection 9, 2  
40 superintendents may approve the transfer of a student from  
42 one school administrative unit to another or a  
44 superintendent and the headmaster of a private school  
46 approved for tuition purposes under section 2951 may approve  
48 the transfer of a student between the 2 schools if the  
50 school to which transfer is sought is within 50 miles of the  
school the student currently attends and:

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

(2) The student's parent approves.

The superintendents or superintendent and headmaster shall  
notify the commissioner of any transfer approved under this  
paragraph.

B. On the request of the parent of a student requesting  
transfer under paragraph A, the commissioner shall review  
the transfer. The commissioner's decision shall be final  
and binding.

2 C. The superintendents or superintendent and headmaster  
shall annually review any transfer under this subsection.

4  
6 D. For purposes of the state school subsidy, in the case of  
a transfer of a student from one school administrative unit  
8 to another, a student transferred under this subsection is  
considered a resident of the school administrative unit to  
10 which transferred. Upon request of the superintendent of  
schools in the unit in which a student is placed in  
accordance with this subsection, the state share percentage  
12 for subsidized educational costs for that student is  
equivalent to the state share percentage of the unit in  
14 which the student's parent or legal guardian resides or the  
average state share percentage, whichever is greater. If  
16 the parent or legal guardian does not reside in the State or  
can not be located or in the case of a transfer to a private  
18 school approved for tuition purposes under section 2951, the  
subsidy is the state average subsidy.

20 E. A school administrative unit or private school approved  
22 for tuition purposes under section 2951 may not charge  
tuition for a transfer approved under this subsection.

24 **Sec. 4. 20-A MRSA §5205, sub-§9** is enacted to read:

26 **9. Educationally disadvantaged students from low-performing**  
28 **public schools.** In accordance with subsection 6, 2  
30 superintendents or a superintendent and the headmaster of a  
private school approved for tuition purposes under section 2951  
32 shall approve the transfer of a student from one public school to  
another or from a public school to a private school approved for  
34 tuition purposes under section 2951 if the student has failed to  
meet state academic and student achievement standards and the  
36 school from which the student is applying to transfer has failed  
to achieve adequate yearly progress and the school to which the  
38 student is applying to transfer has achieved adequate yearly  
progress. For the purposes of this subsection, the terms "state  
40 academic and student achievement standards" and "adequate yearly  
progress" have the same meaning as in the federal No Child Left  
42 Behind Act of 2001, 20 United States Code, Chapter 70, Subchapter  
I.

44 **Sec. 5. Implementation.** In carrying out this Act, the  
Department of Education is guided by the following principles.

46 **1. Child's best interests.** Parents are best equipped to  
48 make decisions for their child, including choosing the  
educational setting that best serves the educational needs and  
50 interests of that child.

