

# 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 electronic originals  
(may include minor formatting differences from printed original)



# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

---

Legislative Document

No. 530

---

H.P. 349

House of Representatives, February 19, 2013

### **An Act To Apply the Standard of Best Educational Interest to Superintendent Agreements for Transfer Students**

---

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative NELSON of Falmouth.  
Cosponsored by Representative KORNFIELD of Bangor, Senator MILLETT of Cumberland and Representatives: DAUGHTRY of Brunswick, HUBBELL of Bar Harbor, KUSIAK of Fairfield, MacDONALD of Boothbay, MONAGHAN-DERRIG of Cape Elizabeth, POULIOT of Augusta, Senator: JOHNSON of Lincoln.

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

2 **Sec. 1. 20-A MRSA §5205, sub-§6, ¶¶A and B**, as enacted by PL 1981, c. 693,  
3 §§5 and 8, are amended to read:

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

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

7 (2) The student's parent approves.

8 The superintendents shall notify the commissioner of any transfer approved under  
9 this paragraph.

10 B. On the request of the parent of a student requesting transfer under paragraph A,  
11 the commissioner shall review the transfer. ~~The commissioner's decision shall be~~  
12 ~~final and binding.~~ The commissioner may modify the transfer decision only upon a  
13 written finding that the student may not have the opportunity to receive the benefits  
14 of a free public education without the transfer.

15 **SUMMARY**

16 This bill clarifies the standard to be applied by superintendents when considering the  
17 transfer of a student from one school administrative unit to another by incorporating the  
18 standard set forth in the Maine Revised Statutes, Title 20-A, section 2, which is that a  
19 student must be provided an opportunity to receive the benefits of a free public education.