

MAINE STATE LEGISLATURE

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Date: 4/7/14

L.D. 1852

(Filing No. H-815)

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EDUCATION AND CULTURAL AFFAIRS

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STATE OF MAINE

6

HOUSE OF REPRESENTATIVES

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126TH LEGISLATURE

8

SECOND REGULAR SESSION

9

10 COMMITTEE AMENDMENT "A" to H.P. 1336, L.D. 1852, Bill, "An Act To
11 Amend the Process Regarding the Transfer of Students between School Administrative
Units"

12 Amend the bill by striking out everything after the enacting clause and before the
13 summary and inserting the following:

14 'Sec. 1. 20-A MRSA §5205, sub-§6, as amended by PL 2013, c. 456, §§1 to 3, is
15 further amended to read:

16 **6. Transfer students.** The following provisions apply to transfers of students from
17 one school administrative unit to another.

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

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

21 (2) The student's parent approves.

22 The superintendents shall notify the commissioner of any transfer approved under
23 this paragraph. If either of the superintendents decides not to approve the transfer,
24 that superintendent shall provide to the parent of the student requesting transfer under
25 this paragraph a written description of the basis of that superintendent's
26 determination.

27 B. On the request of the parent of a student requesting transfer under paragraph A,
28 the commissioner shall review the transfer. The commissioner shall review the
29 superintendents' determinations and communicate with the superintendents and with
30 the parent of the student prior to making a decision. The commissioner may approve
31 or disapprove the transfer and shall provide to the parent of the student and to the
32 superintendents a written decision describing the basis of the commissioner's
33 determination.

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

COMMITTEE AMENDMENT

1 D. For purposes of the state school subsidy, a student transferred under this
2 subsection is considered a resident of the school administrative unit to which
3 transferred. Upon request of the superintendent of schools in the unit in which a
4 student is placed in accordance with this subsection, the state share percentage for
5 subsidized educational costs for that student is equivalent to the state share
6 percentage of the unit in which the student's parent or legal guardian resides or the
7 average state share percentage, whichever is greater. If the parent or legal guardian
8 does not reside in the State or can not be located, the subsidy is the state average
9 subsidy.

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

12 F. If dissatisfied with the commissioner's decision, a parent of a student requesting
13 transfer or either superintendent may, within 10 calendar days of the commissioner's
14 decision, request that the state board review the transfer. The state board shall review
15 the superintendents' determinations and communicate with the commissioner, the
16 superintendents and the parent of the student. The state board may approve or
17 disapprove the transfer. The state board shall make a decision within 45 calendar
18 days of receiving the request and shall provide to the parent of the student, the
19 superintendents and the commissioner a written decision describing the basis of the
20 state board's determination. The state board's decision is final and binding.

21 A transfer ~~approved~~ under this subsection may not be made ~~only~~ to a receiving school
22 administrative unit that ~~operates~~ does not operate a public school that includes the grade
23 level of the student whose parent requests the transfer, unless the superintendents of both
24 the sending and receiving school administrative units approve the transfer.'

25 **SUMMARY**

26 This amendment strikes and replaces the bill to provide that the approval of the
27 transfer of a student from one school administrative unit to a school administrative unit
28 that does not operate a public school that includes the grade level of the student whose
29 parent requests the transfer may not be approved unless the superintendents of both the
30 sending and receiving school administrative units approve the transfer.