

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

SECOND REGULAR SESSION-2014

Legislative Document

No. 1852

H.P. 1336

House of Representatives, March 31, 2014

An Act To Amend the Process Regarding the Transfer of Students between School Administrative Units

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative JOHNSON of Greenville. (GOVERNOR'S BILL)
Cosponsored by Representative: DAVIS of Sangerville.

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

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

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

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

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

9 (2) The student's parent approves.

10 The superintendents shall notify the commissioner of any transfer approved under
11 this paragraph. If either of the superintendents decides not to approve the transfer,
12 that superintendent shall provide to the parent of the student requesting transfer under
13 this paragraph a written description of the basis of that superintendent's
14 determination.

15 B. On the request of the parent of a student requesting transfer under paragraph A,
16 the commissioner shall review the transfer. The commissioner shall review the
17 superintendents' determinations and communicate with the superintendents and with
18 the parent of the student prior to making a decision. The commissioner may approve
19 or disapprove the transfer and shall provide to the parent of the student and to the
20 superintendents a written decision describing the basis of the commissioner's
21 determination.

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

23 D. For purposes of the state school subsidy, a student transferred under this
24 subsection is considered a resident of the school administrative unit to which
25 transferred. Upon request of the superintendent of schools in the unit in which a
26 student is placed in accordance with this subsection, the state share percentage for
27 subsidized educational costs for that student is equivalent to the state share
28 percentage of the unit in which the student's parent or legal guardian resides or the
29 average state share percentage, whichever is greater. If the parent or legal guardian
30 does not reside in the State or can not be located, the subsidy is the state average
31 subsidy.

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

34 F. If dissatisfied with the commissioner's decision, a parent of a student requesting
35 transfer or either superintendent may, within 10 calendar days of the commissioner's
36 decision, request that the state board review the transfer. The state board shall review
37 the superintendents' determinations and communicate with the commissioner, the
38 superintendents and the parent of the student. The state board may approve or
39 disapprove the transfer. The state board shall make a decision within 45 calendar
40 days of receiving the request and shall provide to the parent of the student, the

superintendents and the commissioner a written decision describing the basis of the state board's determination. The state board's decision is final and binding.

~~A transfer approved under this subsection may be made only to a receiving school administrative unit that operates a public school that includes the grade level of the student whose parent requests the transfer.~~

The superintendents of a sending and receiving school administrative unit may approve a transfer under this subsection regardless of whether a student from the sending school administrative unit is transferring to a receiving school administrative unit that operates a public school that does not include the grade level of the student whose parent requests the transfer; however, a parent of such a student may not request a review of the decision to not allow such a transfer.

SUMMARY

Current law prohibits the approval of transfer of a student from one school administrative unit to another if the receiving school administrative unit does not operate a public school that includes the grade level of the student whose parent requests the transfer. This bill repeals that prohibition, but does not allow a parent to request a review of a decision by a superintendent to deny a transfer if the receiving school administrative unit does not operate a public school that includes the grade level of the student whose parent requests the transfer.