

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1015

H.P. 717

House of Representatives, March 14, 2017

An Act To Improve the Student Transfer Process

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

A handwritten signature in cursive script, reading "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative STEARNS of Guilford.
Cosponsored by Representatives: HUBBELL of Bar Harbor, LUCHINI of Ellsworth,
LYFORD of Eddington, REED of Carmel.

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

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

4 B. On the request of the parent of a student requesting transfer under paragraph A,
5 the commissioner shall review the transfer, except that if both superintendents find a
6 transfer is not in the student's best interest and decide not to approve the transfer, the
7 parent of a student requesting transfer under paragraph A may not request the
8 commissioner review the decision. The commissioner shall review the
9 superintendents' determinations and communicate with the superintendents and with
10 the parent of the student prior to making a decision. The commissioner may approve
11 or disapprove the transfer and shall provide to the parent of the student and to the
12 superintendents a written decision describing the basis of the commissioner's
13 determination.

14 **Sec. 2. Commission To Study the Student Transfer Process.**
15 Notwithstanding Joint Rule 353, the Commission To Study the Student Transfer Process,
16 referred to in this section as "the commission," is established.

17 **1. Membership.** The commission consists of 7 members appointed as follows:

18 A. One member of the Senate appointed by the President of the Senate who is a
19 member of the Joint Standing Committee on Education and Cultural Affairs;

20 B. Three members of the House of Representatives appointed by the Speaker of the
21 House who are members of the Joint Standing Committee on Education and Cultural
22 Affairs;

23 C. One member who is a representative of the Maine School Superintendents
24 Association appointed by the President of the Senate;

25 D. One member who is a representative of the Maine Education Association
26 appointed by the Speaker of the House; and

27 E. The Commissioner of Education or the commissioner's designee.

28 **2. Chairs.** The Senate member is the Senate chair and the first-named House of
29 Representatives member is the House chair of the commission.

30 **3. Appointments; convening of commission.** All appointments must be made no
31 later than 30 days following the effective date of this Act. The appointing authorities
32 shall notify the Executive Director of the Legislative Council once all appointments have
33 been completed. After appointment of all members, the chairs shall call and convene the
34 first meeting of the commission. If 30 days or more after the effective date of this Act a
35 majority of but not all appointments have been made, the chairs may request authority
36 and the Legislative Council may grant authority for the commission to meet and conduct
37 its business.

38 **4. Duties.** The commission shall conduct a comprehensive review of the appeal
39 process under the laws governing the transfer of a student from one school administrative

1 unit to another school administrative unit pursuant to the Maine Revised Statutes, Title
2 20-A, section 5205, subsection 6. The review must include, but is not limited to, the
3 following:

4 A. A review of the criteria used by the Commissioner of Education and the State
5 Board of Education to make a decision regarding a parent's request for the
6 Commissioner of Education or the State Board of Education to review a decision to
7 not approve a request for a student from one school administrative unit to transfer to
8 another school administrative unit; and

9 B. An examination of potential criteria for reviewing a parent's appeal request
10 regarding a request for a student to transfer from one school administrative unit to
11 another school administrative unit. As part of the examination, the commission shall
12 consider criteria that support the best interests of students and make the appeal
13 process convenient and simple for the parent.

14 **5. Staff assistance.** The Legislative Council shall provide necessary staffing
15 services to the commission.

16 **6. Report.** No later than December 6, 2017, the commission shall submit a report
17 that includes its findings and recommendations, including suggested legislation, to the
18 Joint Standing Committee on Education and Cultural Affairs. The Joint Standing
19 Committee on Education and Cultural Affairs may report out a bill to the Second Regular
20 Session of the 128th Legislature.

21 SUMMARY

22 This bill provides that a parent of a student requesting a transfer from one school
23 administrative unit to another school administrative unit may not request the
24 Commissioner of Education to review a decision to not approve a transfer if both
25 superintendents find a transfer is not in the student's best interest. The bill also
26 establishes the Commission To Study the Student Transfer Process to conduct a review of
27 the appeal process under the laws governing the transfer of a student from one school
28 administrative unit to another school administrative unit, including, but not limited to, a
29 review of the criteria used by the Commissioner of Education and the State Board of
30 Education to make a decision regarding a parent's request to review a decision to not
31 approve a transfer.