

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 1892

H.P. 1213

House of Representatives, May 4, 2023

**An Act to Make Student Transfer Agreements Renew Automatically
Except in Certain Circumstances**

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative HASENFUS of Readfield.

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

2 **Sec. 1. 20-A MRSA §5205, sub-§6, ¶C,** as enacted by PL 1981, c. 693, §§5 and
3 8, is repealed.

4 **Sec. 2. 20-A MRSA §5205, sub-§6, ¶C-1** is enacted to read:

5 C-1. A transfer approved under this subsection must continue to be considered in the
6 best interest of the student and must be automatically renewed on an annual basis unless
7 the superintendent of the school administrative unit to which the student transferred
8 determines that:

9 (1) The student's attendance is irregular;

10 (2) The student is disruptive in class, at school or at school activities;

11 (3) The student does not use best efforts to succeed in class; or

12 (4) Based on the available facts, data and evidence, the transfer is no longer in the
13 best interest of the student.

14 If a superintendent makes a determination under this paragraph, the superintendents
15 shall review the transfer and the transfer may be discontinued. If a determination is
16 made to discontinue the transfer, the superintendent of the school administrative unit
17 to which the student was transferred shall notify the student and the student's parent of
18 the determination and the facts, evidence and data used to make the determination. At
19 the request of a parent, a determination to discontinue the transfer may be reviewed by
20 the commissioner under paragraph B.

21 **SUMMARY**

22 This bill repeals the provision in current law requiring superintendents to annually
23 review transfers of students to a school administrative unit other than the one in which the
24 student has permanent residence. The bill provides that such transfers must be
25 automatically renewed on an annual basis unless a superintendent determines that the
26 student's attendance is irregular, the student is disruptive, the student does not use best
27 efforts to succeed in class or the transfer is no longer in the best interest of the student.