



126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 791

H.P. 542

House of Representatives, March 5, 2013

**An Act To Increase Transparency and Improve Equity in Appeals
to Superintendents' Agreements**

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative DEVIN of Newcastle.
Cosponsored by Senator JOHNSON of Lincoln and
Representatives: MacDONALD of Boothbay, WINCHENBACH of Waldoboro.

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 enacted by PL 1981, c. 693, §§5 and
3 8, is 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. If the commissioner decides to allow a
6 transfer that was not approved by the superintendents, the commissioner shall provide
7 a written description of the basis of the commissioner's determination that the
8 transfer is in the best interest of the student. The commissioner's decision ~~shall~~ may
9 be ~~final and binding~~ appealed by one or both of the superintendents to the state board.
10 Notwithstanding any other provision of law to the contrary, when a transfer is
11 implemented pursuant to the commissioner's order pursuant to this paragraph, the
12 State shall reimburse the receiving school administrative unit's actual costs for
13 implementing the transfer order.

14 **SUMMARY**

15 This bill provides that, if the Commissioner of Education decides to allow a student
16 transfer that was not approved by the superintendents of the affected school
17 administrative units, the commissioner is required to provide a written description of the
18 basis of the commissioner's determination that the transfer is in the best interest of the
19 student and the State is required to reimburse the receiving school administrative unit's
20 actual costs for implementing the transfer order. The bill also provides that the
21 commissioner's decision may be appealed by one or both of the superintendents to the
22 State Board of Education.