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Legislative Document

No. 1760

H.P. 1178

House of Representatives, April 22, 2025

An Act to Promote Public Education in Maine by Amending the Laws Governing Student Transfers

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 HAGGAN of Hampden.
Cosponsored by Senator HAGGAN of Penobscot and
Representatives: BAGSHAW of Windham, GRIFFIN of Levant, LYMAN of Livermore Falls,
MINGO of Calais, SOBOLESKI of Phillips, TUELL of East Machias, Senators: LIBBY of
Cumberland, TIMBERLAKE of Androscoggin.

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

2 **Sec. 1. 20-A MRSA §1258, sub-§1, ¶C**, as enacted by PL 1981, c. 693, §§5 and
3 8, is amended to read:

4 C. Secondary school facilities may be operated as 4-year schools, a 6-year school for
5 grades 7 to 12 or 2 or more 3-year schools, except that students living in an area remote
6 from a public school may be provided for under section ~~5204~~ 5203.

7 **Sec. 2. 20-A MRSA §1479, sub-§1**, as enacted by PL 2007, c. 240, Pt. XXXX,
8 §13, is amended to read:

9 **1. Secondary school.** A secondary school facility may be operated as a 4-year school,
10 as a 6-year school for grades 7 to 12 or as 2 or more 3-year schools, except that students
11 living in an area remote from a public school may be provided for under section ~~5204~~ 5203.

12 **Sec. 3. 20-A MRSA §5203**, as amended by PL 2007, c. 668, §29, is further amended
13 to read:

14 **§5203. Elementary students Student right to attend school in another administrative**
15 **unit**

16 The following provisions govern the right of ~~elementary students~~ a student to attend
17 school in another school administrative unit other than the one in which ~~they are~~ that
18 student is resident.

19 **1. Units with an elementary school.** ~~An elementary~~ A student may attend ~~an~~
20 ~~approved private school or~~ a public elementary or secondary school, including a contract
21 school under section 2701, in any school administrative unit ~~with the consent of the~~
22 ~~receiving school's school board. The student's parent or guardian, as long as there is~~
23 capacity in the receiving school. The school administrative unit where the student's parent
24 or guardian resides shall pay the cost of tuition and transportation. The receiving school
25 shall notify the superintendent of the school administrative unit where the student's ~~parents~~
26 reside parent or guardian resides of the name and grade of the accepted student.

27 **2. Living remote from public schools in a school administrative unit.** ~~Elementary~~
28 ~~students~~ A student whose ~~parents live~~ parent or guardian lives remote from a public school
29 in ~~their~~ that student's school administrative unit ~~may, with the consent of the school board~~
30 ~~in their unit~~, attend public school in an adjoining school administrative unit in Maine or a
31 neighboring state if the adjoining unit ~~accepts tuition~~ students has the capacity in the
32 receiving school and grade level to accept students. The school administrative unit where
33 the ~~students' parents reside~~ student's parent or guardian resides shall pay tuition and
34 transportation. The receiving school shall notify the superintendent of the school
35 administrative unit where the student's parent or guardian resides of the name and grade of
36 the accepted student.

37 **3. Contract school.** ~~Students~~ A student whose ~~parents reside~~ parent or guardian
38 resides in a school administrative unit ~~which that~~ contracts for school privileges under
39 section 2701 may attend the contract school. The school administrative unit in which ~~their~~
40 ~~parents reside~~ the student's parent or guardian resides shall pay the costs of the contract and
41 transportation. The receiving contract school shall notify the superintendent of the school
42 administrative unit where the student's parent or guardian resides of the name and grade of
43 the accepted student.

1 **4. Exception; no elementary school.** A school administrative unit that neither
2 maintains ~~an elementary a~~ school nor contracts for elementary school privileges pursuant
3 to chapter 115 shall pay the tuition, in accordance with chapter 219, ~~at the public school or~~
4 ~~the approved private school of the parent's choice at which the student is accepted.~~ The
5 receiving school shall notify the superintendent of the school administrative unit where the
6 student's parent or guardian resides of the name and grade of the accepted student.

7 **5. Units with 10 or fewer students.** ~~Elementary students~~ A student whose parents
8 ~~reside parent or guardian resides~~ in a school administrative unit with a total April 1st
9 resident student count of 10 or less may attend public school as ~~a tuition students student~~
10 in a nearby school administrative unit. The school board of the nearby school
11 administrative unit shall accept the ~~students student~~ if requested by the ~~school board of the~~
12 ~~unit in which the students' parents reside~~ student's parent or guardian. The school board
13 where the ~~students' parents reside~~ student's parent or guardian resides shall pay tuition and
14 transportation. The receiving school shall notify the superintendent of the school
15 administrative unit where the student's parent or guardian resides of the name and grade of
16 the accepted student.

17 **Sec. 4. 20-A MRSA §5204**, as amended by PL 2007, c. 668, §30, is repealed.

18 **Sec. 5. 20-A MRSA §5205, sub-§6**, as amended by PL 2015, c. 448, §10, is further
19 amended to read:

20 **6. Transfer students.** ~~The Pursuant to section 5203, the following provisions apply~~
21 ~~to student transfers of students from one school administrative unit to another school~~
22 ~~administrative unit and from one school to another school within the same school~~
23 ~~administrative unit.~~

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

- 26 ~~(1) They find that a transfer is in the student's best interest; and~~
27 ~~(2) The student's parent approves.~~

28 ~~The superintendents shall notify the commissioner of any transfer approved under this~~
29 ~~paragraph. If either of the superintendents decides not to approve the transfer, that~~
30 ~~superintendent shall provide to the parent of the student requesting transfer under this~~
31 ~~paragraph a written description of the basis of that superintendent's determination.~~

32 ~~A-1. A request by a student's parent or guardian for a transfer from one school~~
33 ~~administrative unit to another school administrative unit or from one school to another~~
34 ~~school within the same school administrative unit must be approved by the receiving~~
35 ~~school administrative unit or school, as long as there is sufficient capacity for~~
36 ~~enrollment at the receiving school and grade level pursuant to paragraph C-1. If a~~
37 ~~transfer request is denied, the receiving school administrative unit shall provide to the~~
38 ~~student's parent or guardian a written description of the basis of that school~~
39 ~~administrative unit's decision.~~

40 ~~B. On the request of the parent of a student requesting transfer If a transfer request~~
41 ~~under paragraph A A-1 is denied, the commissioner shall review the transfer. The~~
42 ~~commissioner shall review the superintendents' receiving school administrative unit's~~
43 ~~determinations and communicate with the superintendents receiving school~~

1 administrative unit and with the parent or guardian of the student prior to making a
2 decision. The commissioner may approve or disapprove the transfer and shall provide
3 to the parent or guardian of the student and to the ~~superintendents~~ receiving school
4 administrative unit a written decision describing the basis of the commissioner's
5 determination.

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

7 C-1. A school administrative unit shall determine monthly the available capacity per
8 grade level in each of the school administrative unit's schools. The number of available
9 seats per grade level must be posted on each school's publicly accessible website by
10 the first day of each month. The capacity for each school must be measured by grade
11 level and may not be measured by program or special program capacity.

12 C-2. A transfer policy created by a school administrative unit may not discriminate
13 against any student on the basis of that student's residential address, ability, disability,
14 race, ethnicity, sex or socioeconomic status.

15 D. For purposes of the state school subsidy, a student transferred under this subsection
16 is considered a resident of the school administrative unit to which the student is
17 transferred. Upon request of the superintendent of schools in the unit in which a student
18 is placed in accordance with this subsection, the state share percentage for subsidized
19 educational costs for that student is equivalent to the state share percentage of the unit
20 in which the student's parent or ~~legal~~ guardian resides or the average state share
21 percentage, whichever is greater. If the parent or ~~legal~~ guardian does not reside in the
22 State or ~~can not~~ cannot be located, the subsidy is the state average subsidy.

23 D-1. Each school administrative unit shall adopt and implement a policy that allows
24 students to apply for transfer to another public school within the student's resident
25 school administrative unit or to a school in another school administrative unit. The
26 policy must outline the procedures for submitting a transfer request and the rights of
27 students under the policy. Each school administrative unit shall post the adopted
28 transfer policy prominently on its publicly accessible website.

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

31 F. If dissatisfied with the commissioner's decision, a parent or guardian of a student
32 requesting transfer ~~or either superintendent~~ may, within 10 calendar days of the
33 commissioner's decision, request that the state board review the transfer. The state
34 board shall review the ~~superintendents'~~ school administrative units' determinations and
35 communicate with the commissioner, the ~~superintendents~~ school administrative units
36 and the parent or guardian of the student. The state board may approve or disapprove
37 the transfer. The state board shall make a decision within 45 calendar days of receiving
38 the request and shall provide to the parent or guardian of the student, the
39 ~~superintendents~~ school administrative units and the commissioner a written decision
40 describing the basis of the state board's determination. The state board's decision is
41 final and binding.

42 G. Notwithstanding paragraph D, if the commissioner or state board approves a
43 transfer under this subsection and the student subject to the transfer is receiving special

1 education services, the state subsidy of special education costs for the transferred
2 student may not be reduced as a result of the transfer.

3 A transfer under this subsection may not be made to a receiving school administrative unit
4 that does not operate a public school that includes the grade level of the student whose
5 parent or guardian requests the transfer, unless the ~~superintendents of both the sending and~~
6 receiving school administrative units approve the transfer.

7 A school administrative unit shall notify the commissioner annually by July 1st of the
8 number of transfer applications, acceptances and denials and the reason for each denial.
9 The commissioner shall publish the data annually on the department's publicly accessible
10 website.

11 **Sec. 6. 20-A MRSA §5205, sub-§6-A**, as enacted by PL 2011, c. 651, §1, is
12 amended to read:

13 **6-A. Interdistrict enrollment policies.** ~~The school~~ School boards of 2 or more school
14 administrative units ~~may adopt mutual policies allowing that wish to allow~~ the transfer of
15 students, with parental or guardian approval, among the participating units. ~~The must adopt~~
16 mutual policies ~~must that~~ set forth procedures and standards governing the transfers,
17 including but not limited to the school year or years in which the policy applies, application
18 procedures and standards of responsibility for transportation and special education. Each
19 school board adopting a policy under this subsection shall file a copy of the policy with the
20 department prior to the effective date of that policy and shall provide timely notice of the
21 policy to residents of the school administrative unit governed by that school board. For the
22 purposes of chapter 606-B, a student transferred under this subsection is considered a
23 resident of the school administrative unit to which the student transferred.

24 **Sec. 7. 20-A MRSA §5205, sub-§6-B**, as amended by PL 2019, c. 219, §5, is
25 further amended to read:

26 **6-B. Education service center enrollment policies.** Members in an education service
27 center, as defined in section 3801, subsection 1, paragraph B, ~~may shall~~ adopt a mutual
28 policy allowing the transfer of students, with parental or guardian approval, among the
29 member school administrative units. The mutual policy must set forth procedures and
30 standards governing the transfers, including but not limited to the school year or years in
31 which the policy applies, application procedures and standards of responsibility for
32 transportation and special education. Each member school board that adopts the mutual
33 policy under this subsection shall post a copy of the mutual policy on the school
34 administrative unit's publicly accessible website and shall provide timely notice of the
35 policy to residents of the school administrative unit governed by that school board. For the
36 purposes of chapter 606-B, a student transferred under this subsection is considered a
37 resident of the school administrative unit to which the student transferred.

38 **Sec. 8. 20-A MRSA §5205, sub-§7**, as amended by PL 2003, c. 477, §4, is further
39 amended to read:

40 **7. Homeless students.** Pursuant to section 261, the commissioner ~~may shall~~ adopt
41 rules to ensure that each homeless student has unrestricted access to the free public
42 education afforded by section 2, subsection 1. The rules must implement the requirements
43 and policies of the McKinney-Vento Homeless Education Assistance Improvement Act of
44 2001, 42 United States Code, Section 11431 et seq., and may be adopted as part of or in

1 conjunction with the required state plan. The rules must include, but are not limited to,
2 provisions for the resolution of disputes regarding the educational placement of homeless
3 students according to the best interest of homeless students, provisions that homeless
4 students receive services comparable to services offered to other students in the schools
5 they attend, provisions to address transportation and health records as a barrier to school
6 admission and other provisions required by United States Code, Title 42, Section 11431.

7 **SUMMARY**

8 This bill amends the laws governing student school transfers by:

9 1. Consolidating the provisions regarding elementary school transfers and secondary
10 school transfers into one section of law;

11 2. Requiring notification of accepted transfers to parents and guardians and the sending
12 school administrative unit and amending decision review procedures;

13 3. Establishing requirements regarding school capacity for transfer students and
14 requiring school administrative units to report to the Commissioner of Education annually
15 the number of transfer applications, acceptances and denials and the reason for each denial;

16 4. Requiring that a school administrative unit's transfer policy not discriminate against
17 any student on the basis of that student's residential address, ability, disability, race,
18 ethnicity, sex or socioeconomic status;

19 5. Requiring school boards of 2 or more school administrative units that wish to allow
20 the transfer of students among the participating units to adopt mutual policies that set forth
21 procedures and standards governing the transfers and requiring members of an education
22 service center to adopt a mutual policy allowing the transfer of students among the member
23 school administrative units; and

24 6. Requiring the commissioner to adopt rules to ensure that homeless students have
25 unrestricted access to free public education.