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Date: (Filing No. S-)

EDUCATION AND CULTURAL AFFAIRS

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**STATE OF MAINE
SENATE
132ND LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 672, L.D. 1719, “An Act Regarding Superintendent Agreements for Transfer Students”

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 20-A MRSA §5205, sub-§6, as amended by PL 2015, c. 448, §10, is further amended to read:

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

A. Two superintendents may approve the transfer of a student from one school administrative unit to another if the following conditions are satisfied:

- ~~(1) They find that a transfer is in the student's best interest; and~~
- ~~(2) The student's parent approves.~~
- (3) The student's parent makes a written request to the superintendents of the sending and receiving school administrative units concurrently. A request for a transfer during the school year in which the request is made may be made at any point during the year. A request for a transfer beginning the following school year must be made after April 15th;
- (4) The student's parent provides all evidence to support the request;
- (5) The superintendent of the sending school administrative unit contacts the superintendent of the receiving school administrative unit to discuss the transfer prior to each superintendent making that superintendent's determination;
- (6) The superintendents of the sending and receiving school administrative units review the evidence provided pursuant to subparagraph (4), verify the information, consider whether the transfer is in the best interest of the student and school community and each individually decide to approve or deny the request; and

COMMITTEE AMENDMENT

1 (7) Each superintendent makes that superintendent's determination within 30
2 calendar days of receiving the transfer request.

3 The superintendents shall notify the commissioner of any transfer approved under this
4 paragraph. An approved transfer is in effect for the duration of the school year unless
5 the student's parent and both superintendents agree that reversing the transfer is in the
6 best interest of the student and school community. If either of the superintendents
7 decides not to approve the transfer, ~~that~~ the transfer is denied. Each superintendent
8 shall provide to the parent of the student requesting transfer under this paragraph a
9 written description of the basis of that superintendent's determination based on the
10 requirements of this paragraph. A transfer request may not be denied for the sole
11 reason that the student should attend school where the student's parent resides.

12 B. ~~On the request of~~ Within 15 calendar days of receiving the determinations of the
13 superintendents, the parent of a student requesting transfer under paragraph A; may
14 request that the commissioner shall review the transfer. The commissioner shall review
15 the ~~superintendents' determinations~~ evidence, information and documents provided
16 pursuant to paragraph A, subparagraphs (3) to (7) and may communicate with the
17 superintendents and with the parent of the student prior to making a decision. The
18 commissioner may approve or disapprove the transfer and shall provide to the parent
19 of the student and to the superintendents a written decision describing the basis of the
20 commissioner's determination. A transfer request may not be denied for the sole reason
21 that the student should attend school where the student's parent resides.

22 B-1. If both superintendents denied the transfer request, the commissioner shall review
23 only whether the superintendents reached their determinations in a way that was
24 arbitrary or unreasonable. In all other circumstances, the commissioner shall review
25 whether the transfer is in the best interest of the student and school community.

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

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

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

37 F. If dissatisfied with the commissioner's decision, a parent of a student requesting
38 transfer or either superintendent may, within ~~40~~ 15 calendar days of the commissioner's
39 decision, request that the state board review the transfer. The state board shall review
40 the ~~superintendents' determinations and communicate with the commissioner, the~~
41 ~~superintendents and the parent of the student~~ only the documents and timelines required
42 in paragraph A and the written decision of the commissioner to the student's parent,
43 student and superintendents describing the basis of the commissioner's determination.
44 The state board may approve or disapprove the transfer. The state board shall make a
45 decision within 45 calendar days of receiving the request and shall provide to the parent

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

4 G. Notwithstanding paragraph D, if the commissioner or state board approves a
5 transfer under this subsection and the student subject to the transfer is receiving special
6 education services, the state subsidy of special education costs for the transferred
7 student may not be reduced as a result of the transfer.

8 A transfer under this subsection may not be made to a receiving school administrative unit
9 that does not operate a public school that includes the grade level of the student whose
10 parent requests the transfer, ~~unless the superintendents of both the sending and receiving~~
11 ~~school administrative units approve the transfer.'~~

12 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
13 number to read consecutively.

14 **SUMMARY**

15 This amendment replaces the bill. The amendment establishes additional procedures
16 for certain transfer students. The amendment provides that 2 superintendents may approve
17 the transfer of a student from one school administrative unit to another if the student's
18 parent provides evidence to support the request, the superintendents discuss and review the
19 transfer evidence and whether the transfer is in the best interest of the student and school
20 community and the superintendents decide on the transfer within 30 days of receiving the
21 request. The amendment also establishes additional procedures for the appeal of a denied
22 transfer request to the Commissioner of Education and the State Board of Education and
23 provides that a transfer request may not be denied for the sole reason that the student should
24 attend school where the student's parent resides.

25 **FISCAL NOTE REQUIRED**

26 **(See attached)**