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An Act To Apply the Standard of Best Educational Interest to Superintendent Agreements for Transfer Students

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

Sec. 1. 20-A MRSA §5205, sub-§6, ¶¶A and B, as enacted by PL 1981, c. 693, §§5 and 8, are amended to read:

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

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

The superintendents shall notify the commissioner of any transfer approved under this paragraph.

B. On the request of the parent of a student requesting transfer under paragraph A, the commissioner shall review the transfer. ~~The commissioner's decision shall be final and binding.~~ The commissioner may modify the transfer decision only upon a written finding that the student may not have the opportunity to receive the benefits of a free public education without the transfer.

SUMMARY

This bill clarifies the standard to be applied by superintendents when considering the transfer of a student from one school administrative unit to another by incorporating the standard set forth in the Maine Revised Statutes, Title 20-A, section 2, which is that a student must be provided an opportunity to receive the benefits of a free public education.