

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out the title and substituting the following:

**'An Act To Ensure That the Standard of a Student's Best Interest
Is Applied to Superintendent Agreements for Transfer Students'**

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

'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 interest; and

(2) The student's parent approves.

The superintendents shall notify the commissioner of any transfer approved under this paragraph. If the superintendents decide not to approve the transfer, the superintendents shall provide to the parent of the student requesting transfer under this paragraph a written description of the basis of their determination that the transfer is not in the student's best interest.

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 shall review the superintendents' determination and communicate with the superintendents and with the parent of the student prior to making a decision. The commissioner may approve or disapprove the transfer and shall provide to the parent of the student and to the superintendents a written decision describing the basis of the commissioner's determination that the transfer is or is not in the student's best interest.

Sec. 2. 20-A MRSA §5205, sub-§6, ¶F is enacted to read:

F. If dissatisfied with the commissioner's decision, a parent of a student requesting transfer or either superintendent may, within 10 calendar days of the commissioner's decision, request that the state board review the transfer. The state board shall review the commissioner's determination and communicate with the commissioner, the superintendents and the parent of the student. The state board may approve or disapprove the transfer. The state board shall make a decision within 30 calendar days of receiving the request and shall provide to the parent of the student, the

superintendents and the commissioner a written decision describing the basis of the state board's determination that the transfer is or is not in the student's best interest. The state board's decision is final and binding.'

SUMMARY

This amendment strikes and replaces the bill to ensure that the standard of a student's best interest is applied to decisions made regarding superintendent agreements for transfer students. The amendment provides that certain procedures must be implemented when the request of a parent to transfer a student from one school administrative unit to another is not approved by the superintendents and the parent of the student appeals the superintendents' decision to the Commissioner of Education.

When the superintendents have not approved the transfer, the superintendents are required to provide the student's parent with a written description of the basis of their determination that the transfer is not in the student's best interest. The commissioner must review the superintendents' determination and communicate with the parent and the superintendents before making a decision on an appeal.

The commissioner must provide the parent and the superintendents with a written description of the basis of the commissioner's determination that the transfer is or is not in the student's best interest. If dissatisfied with the commissioner's decision, the parent or either superintendent may request an appeal within 10 calendar days to the State Board of Education.

The state board is required to review the commissioner's determination and communicate with the commissioner, the parent and the superintendents before making a decision on the appeal. The decision must be made within 30 days of the request for an appeal and must provide the parent, the superintendents and the commissioner with a written description of the basis of the state board's determination that the transfer is or is not in the student's best interest. The state board's decision is final and binding.

FISCAL NOTE REQUIRED

(See attached)