

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 everything after the enacting clause and before the summary and inserting the following:

**Sec. 1. 20-A MRSA §5205, sub-§6, ¶A,** as amended by PL 2013, c. 337, §1, is further 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 either of the superintendents ~~decided~~decides not to approve the transfer, ~~the superintendents that superintendent~~ shall provide to the parent of the student requesting transfer under this paragraph a written description of the basis of ~~their~~that superintendent's determination ~~that the transfer is not in the student's best interest.~~

**Sec. 2. 20-A MRSA §5205, sub-§6, ¶B,** as repealed and replaced by PL 2013, c. 424, Pt. J, §1, is amended to read:

B. On the request of the parent of a student requesting transfer under paragraph A, the commissioner shall review the transfer. The commissioner shall review the superintendents' ~~determination~~determinations 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. 3. 20-A MRSA §5205, sub-§6, ¶F,** as enacted by PL 2013, c. 337, §2, is amended 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~~superintendents' determinations 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~~45 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. The bill provides a standard for what constitutes a student's best interest when requesting a transfer from one school administrative unit to another; the amendment removes that standard. In current law, the superintendents of the receiving school administrative unit and the sending school administrative unit must both consent to a student's transfer. This amendment changes that provision to require that if a superintendent disapproves, that superintendent must provide the parent of the student with a written description of the superintendent's determination. The amendment also removes the provisions in the bill that direct the Commissioner of Education, or subsequently the State Board of Education, to uphold the decision of one or both superintendents to deny a transfer unless the commissioner or the board determines that the decision to deny the transfer was arbitrary and capricious. The amendment also retains the provision in the bill that extends from 30 to 45 calendar days the period of time within which the State Board of Education must make a decision on a review of a request for transfer.