



132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 607

H.P. 375

House of Representatives, February 25, 2025

**An Act to Require the Approval of Superintendent Agreements
Regarding Transfers of Students Between School Administrative
Units**

Received by the Clerk of the House on February 20, 2025. Referred to the Committee on Education and Cultural Affairs pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative LIBBY of Auburn.

Cosponsored by Representatives: BOYER of Poland, FOLEY of Wells, FOSTER of Dexter, HAGGAN of Hampden, LANCE of Paris, OLSEN of Raymond, POIRIER of Skowhegan.

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

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

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

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

8 ~~(1) They find that a transfer is in the student's best interest; and~~

9 ~~(2) The student's parent approves; and~~

10 ~~(3) The superintendent of the receiving school administrative unit has determined~~
11 ~~the school administrative unit has the capacity to enroll the student pursuant to~~
12 ~~paragraph H.~~

13 The superintendents shall notify the commissioner of any transfer approved under this
14 paragraph. ~~The student's parent or legal guardian is responsible for providing~~
15 ~~transportation to the receiving school administrative unit. If either of the~~
16 ~~superintendents decides not to approve the transfer the superintendent of the receiving~~
17 ~~school administrative unit determines that the school administrative unit does not have~~
18 ~~the capacity to enroll the student pursuant to subparagraph (3), that superintendent shall~~
19 ~~provide to the parent of the student requesting transfer under this paragraph a written~~
20 ~~description of the basis of that superintendent's determination.~~

21 ~~B. On the request of the parent of a student requesting transfer under paragraph A, the~~
22 ~~commissioner shall review the transfer. The commissioner shall review the~~
23 ~~superintendents' determinations and communicate with the superintendents and with~~
24 ~~the parent of the student prior to making a decision. The commissioner may approve~~
25 ~~or disapprove the transfer and shall provide to the parent of the student and to the~~
26 ~~superintendents a written decision describing the basis of the commissioner's~~
27 ~~determination.~~

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

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

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

39 ~~F. If dissatisfied with the commissioner's decision, a parent of a student requesting~~
40 ~~transfer or either superintendent may, within 10 calendar days of the commissioner's~~
41 ~~decision, request that the state board review the transfer. The state board shall review~~
42 ~~the superintendents' determinations and communicate with the commissioner, the~~

1 ~~superintendents and the parent of the student. The state board may approve or~~
2 ~~disapprove the transfer. The state board shall make a decision within 45 calendar days~~
3 ~~of receiving the request and shall provide to the parent of the student, the~~
4 ~~superintendents and the commissioner a written decision describing the basis of the~~
5 ~~state board's determination. The state board's decision is final and binding.~~

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

10 H. A transfer under this subsection must be approved if the receiving school
11 administrative unit has adequate physical space to enroll the student and enrolling the
12 student would not require additional staff.

13 A transfer under this subsection may not be made to a receiving school administrative unit
14 that does not operate a public school that includes the grade level of the student whose
15 parent requests the transfer, unless the superintendents of both the sending and receiving
16 school administrative units approve the transfer.

17 **SUMMARY**

18 This bill provides that, in the case of a student transferring from one school
19 administrative unit to another, the superintendent of each school administrative unit must
20 approve the transfer if the student's parent approves and the superintendent of the receiving
21 school administrative unit has determined that the school administrative unit has the
22 capacity to enroll the student. A transfer must be approved if the receiving school
23 administrative unit has adequate physical space to enroll the student and enrolling the
24 student would not require additional staff.