



# 126th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2014

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Legislative Document

No. 1852

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H.P. 1336

House of Representatives, March 31, 2014

**An Act To Amend the Process Regarding the Transfer of Students  
between School Administrative Units**

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Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative JOHNSON of Greenville. (GOVERNOR'S BILL)  
Cosponsored by Representative: DAVIS of Sangerville.

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 2013, c. 456, §§1 to 3, is  
3 further 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 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.

10 The superintendents shall notify the commissioner of any transfer approved under  
11 this paragraph. If either of the superintendents decides not to approve the transfer,  
12 that superintendent shall provide to the parent of the student requesting transfer under  
13 this paragraph a written description of the basis of that superintendent's  
14 determination.

15 B. On the request of the parent of a student requesting transfer under paragraph A,  
16 the commissioner shall review the transfer. The commissioner shall review the  
17 superintendents' determinations and communicate with the superintendents and with  
18 the parent of the student prior to making a decision. The commissioner may approve  
19 or disapprove the transfer and shall provide to the parent of the student and to the  
20 superintendents a written decision describing the basis of the commissioner's  
21 determination.

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

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

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

34 F. If dissatisfied with the commissioner's decision, a parent of a student requesting  
35 transfer or either superintendent may, within 10 calendar days of the commissioner's  
36 decision, request that the state board review the transfer. The state board shall review  
37 the superintendents' determinations and communicate with the commissioner, the  
38 superintendents and the parent of the student. The state board may approve or  
39 disapprove the transfer. The state board shall make a decision within 45 calendar  
40 days of receiving the request and shall provide to the parent of the student, the

