



To: Maine Committee on Education and Cultural Affairs

From: Jude Schwalbach, Senior Policy Analyst, Reason Foundation

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My name is Jude Schwalbach, and I'm a senior education policy analyst with Reason Foundation, a national 501c(3) nonprofit policy research organization. I'm testifying on [Maine Legislative House Paper \(H.P.\) 141, Document \(L.D.\) 218](#).

Maine H.P. 141, L.D. 218 would ensure that the receiving school districts automatically renew the approval for student transfers from other districts, letting students remain in their current schools each year. However, the proposal gives superintendents significant discretion in rejecting transfer renewals. Superintendents could deny renewals of transfer students who are truant, disruptive, have not "used best efforts to succeed in class," or if the transfer is no longer in the student's best interest. While automatically renewing existing students' approved transfer requests to remain enrolled is a good policy, this proposal gives superintendents undue discretion in rejecting students' renewals, letting districts prioritize their own interests over students' interests.

H.P. 141, L.D. 218 could be significantly improved by striking all the reasons why superintendents can reject transfer students' renewals. Provisions (2), (3), and (4) are especially onerous because they are opaque or arbitrary. For instance, (2) would let the superintendent reject a renewal for being disruptive without identifying any disciplinary measures, such as out-of-school suspensions. Similarly, (3) could let districts discriminate against transfers based on their academic abilities since renewals can be denied if the student doesn't use best efforts to succeed in class. This provision is vague and arbitrary, especially if a transfer is already academically behind compared to their peers. Lastly, (4) lets districts deny renewals for nearly any reason based on the superintendent's perception of transfer students' best interests.

Parents, not school districts, should have the final say regarding what schooling option is in the best interest of their children. At the very least, school districts should have clear standards for not renewing non-resident transfers to ensure the process is transparent and fair.

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