

State of Maine  
STATE BOARD OF EDUCATION

Testimony of Fern Desjardins, Chair of the Maine State Board of Education

Against: L.D. 218 An Act to Make Student Transfer Agreements Renew Automatically Except in Certain Circumstances.

Before the Joint Standing Committee on Education and Cultural Affairs

Sponsored by: Representative Hasenfus

Date: April 2, 2025

Senator Rafferty, Representative Murphy, and distinguished members of the Joint Standing Committee on Education and Cultural Affairs:

My name is Fern Desjardins, Chair of the Maine State Board of Education. I join you virtually today to speak Against L.D. 218: An Act to Make Student Transfer Agreements Renew Automatically Except in Certain Circumstances.

According to student transfer data that I obtained from the Maine Department of Education, the State Board of Education made determinations on 188 appeals from FY2019 to FY2024. That is an average of 31.3 appeals annually in the last six years. I participated in the discussions held in executive sessions for those appeals. Determining whether to approve or disapprove a student transfer based on information provided to the board by the resident superintendent, receiving superintendent, parent(s) of a student, and sometimes documentation from medical providers or other school personnel is at times challenging. Board members make the best decision they can under the circumstances, without any certainty that our determination is “in the student’s best interest”, as provided in 20-A MRSA §5205(6)(A)(1).

The process can indeed be challenging and the determination doesn’t guarantee student success or absolute “best interest”. The determination does leave either the parent, a superintendent, or both superintendents dissatisfied with the board’s decision depending on whether the board approved or denied the transfer. As a board member, I sometimes wondered if I had made the right decision or not on a particular appeal. The information we get is limited.

Though L.D. 218 has provisions included for not automatically renewing a student transfer in any given year, the State Board has a few concerns:

1. Some school administrative units do not provide public Pre-K for 4-year-olds. The board has had appeals from parents wanting their child to attend Pre-K in a neighboring district. If student transfers were to renew automatically, the board may be more hesitant in approving such transfers. Those children would miss out on Pre-K services.

2. Would automatic renewals lead to overall greater scrutiny in approving student transfers?  
“The student’s best interest” remains a subjective matter for the decision-makers.
3. Criteria number 3 for discontinuing a transfer, “The student does not use best efforts to succeed in class”, is subjective and could lead to inconsistent enforcement or perhaps even legal challenges.
4. Should enrollment issues or school resources be taken into consideration in automatic renewals?

The State Board recognizes some concerns with 20-A MRSA §5205(6). We’ve worked with superintendents representing the Maine School Superintendents Association on our concerns, in addition to their concerns. Together, we proposed language with amendments already in place for a bill that Senator Rafferty agreed to sponsor. It is LR 1437: An Act Regarding Superintendent Agreements for Transfer Students. The State Board asks that you consider postponing the work session on L.D. 218 until all student transfer bills brought to your committee for a public hearing are heard. That would include at least three bills: L.D. 218, L.D. 607 that is scheduled for a hearing today, and the LR 1437 bill request made by Senator Rafferty. Consider the varied ideas brought forward in these bills in a more comprehensive manner to address the concerns that have surfaced with the current statutes on student transfers.

Thank you for this opportunity to comment, and I would be happy to answer questions the committee may have.