

State of Maine
STATE BOARD OF EDUCATION

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

Against: L.D. 607 An Act to Require the Approval of Superintendent Agreements Regarding Transfers of Students Between School Administrative Units

Before the Joint Standing Committee on Education and Cultural Affairs

Sponsored by: Representative Libby

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

If L.D. 607 becomes law, it will:

1. Take the subjectivity of “student’s best interest” out of current law;
2. Leave decision-making to the receiving superintendent as opposed to both the receiving and resident superintendent;
3. Eliminate the two levels of appeal available to parents - the appeal to the commissioner followed by an appeal to the State Board of Education; and
4. Force the receiving superintendent to accept a student unless they can demonstrate the school does not have adequate physical space to enroll the student and enrolling the student would require additional staff.

“Student’s best interest” is not defined in Title 20-A *Maine Education and School Statutes*. Superintendents, the Maine Department of Education, State Board of Education, parents, medical providers, and school personnel define it each in their own way. Taking the ambiguity out of “student’s best interest” would be helpful for the decision-makers on student transfers.

Taking the resident superintendent, commissioner of education, and members of the State Board of Education out of the decision-making process is questionable. It relieves the workload of the individuals in those positions, but it also leaves parents without an opportunity to appeal decisions made by the receiving superintendent. It shortens the student transfer process, which is a good thing, but it leaves the decision in the hands of one individual - the receiving superintendent.

Unless the receiving school administrative unit (SAU) had limited physical space and low enrollments, how could a parent dispute the “capacity to enroll the student?” It wouldn’t be a problem if the teacher to student ratios were on the low side or if some classrooms were not being used; however, how could a parent dispute that the receiving district would not require additional staff? What would the cutoff be for student to teacher ratios? Would everyone assume that superintendents would take the General Purpose Aid ED 279 reports as guidance for a 15:1 student to teacher ratio in PreK-K, 17:1 in grades 1-8, and 16:1 in grades 9-12 to determine whether or not additional staffing would be required? How could they dispute adequate physical space if the SAU was creative in the use of all available spaces (e.g., having learning centers, tutoring centers, enrichment corners, STEM centers, etc.)? Is it possible that with L.D. 607 we would be trading ambiguity of “student’s best interest” for ambiguity in “capacity to enroll”, while eliminating the opportunity to appeal at any level?

We live at a time when choices are provided in what we do and how we live. Is L.D. 607 about providing parents with school choice? We already have public schools, public charter schools, private schools, and homeschooling options. All have their place in providing parents alternatives in selecting their child’s best educational environment.

The State Board recognizes concerns that exist with 20-A MRSA §5205(6). Working collaboratively with superintendents representing the Maine School Superintendents Association on concerns from both groups, 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 Board asks that you consider postponing the work session on L.D. 607 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 that is scheduled for a hearing today, L.D. 607, 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.