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TESTIMONY IN OPPOSITION TO

L.D. 218

AN ACT TO MAKE STUDENT TRANSFER AGREEMENTS RENEW AUTOMATICALLY EXCEPT IN CERTAIN CIRCUMSTANCES

April 2, 2025

Senator Rafferty, Representative Noonan Murphy, and esteemed members of the Education and Cultural Affairs Committee, I am Robbie Feinberg, the director of communications and governmental relations of the Maine School Management Association, speaking on behalf of the legislative committees of the Maine School Boards Association and the Maine School Superintendents Association in opposition to L.D. 218.

In Maine, the student transfer agreement process is an available means for parents to utilize to seek an alternate placement for their child outside their residentially assigned school. Parents request to send their children to schools in other districts for many different reasons: medical issues, unique family situations, or perhaps because a parent may teach at that school. When schools receive these requests, administrators work hard to make them work. They listen closely to families, discuss the transfer with other districts, and truly work to come up with a solution that is in the best interest of the child.

Historically, this collaborative process between districts and parents has been largely successful, as evidenced by the fact that nearly 4,000 students across Maine had superintendent's agreements in the most recent school year. Districts are committed to making this process work for what is best for students and families. However, our associations have deep concerns that L.D. 218 would limit local control and hamstring the ability of our schools and administrators to properly respond to changes in staffing, capacity, and other factors, potentially leading to educational opportunities that are worse for all children.

We understand the sponsor's intent to offer assurance to parents and children that they can remain on a superintendent's agreement from one year to the next. Parents understandably want educational stability. School districts are aware of this challenge, and attempt to provide this assurance, when they can: they renew these agreements as early as possible, so parents can plan for their child's future.

But school districts must also consider many other factors every year before approving a student transfer agreement, among them being the finances, staffing and capacity of each school. These factors change frequently – sometimes from month to month. Some districts are already dealing with high class sizes in buildings that are much too small. Finding enough staff is always a top concern, particularly in our special education programs. State funding can also fluctuate, and we do not want to have to ask our local taxpayers to make up the shortfall through their property taxes for students that are attending from other districts.

All of these factors ultimately determine the makeup of each of our schools each year. Superintendents must look at this entire picture before they can properly assess if a transfer agreement is truly in the best interest of a child, and if their district can really meet that child's needs.

These are local factors, specific to each district. The current student transfer process allows schools to appropriately weigh each of these factors to make the best decision. But L.D. 218 would erode that local control – something we do not think is fair to school staff, taxpayers, or students.

We also worry that if districts must automatically renew student transfer agreements, administrators may be more hesitant to approve these agreements in the first place. Without assurances about building capacity, staffing, and other factors from year-to-year, it might be more difficult for an administrator to commit that an agreement will be in a child's best interest.

We also have questions regarding some of the vague terminology used in Part C of this bill. How do you measure if a student, "does not use best efforts to succeed in class"? What is meant by "irregular" attendance? These are vague conditions that are difficult to measure – that could make them unenforceable, or lead to disagreements between school districts and families. School leaders do see value putting conditions on a superintendent's agreement, but we think these specific factors would leave too much up to interpretation.

Again, Maine superintendents and school board members want to provide educational consistency for our students and their families, and we feel the current, annual review process allows districts to make the best educational decisions for thousands of Maine students. We feel this bill would damage the student transfer process and cause significant unintended consequences. We urge you to reject L.D. 218.

Thank you for your consideration, and I am happy to take any questions you might have.