

State of Maine  
STATE BOARD OF EDUCATION

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

Neither For Nor Against: L.D. 1588 An Act to Ensure Transparency in Student Transfer Requests

Before the Joint Standing Committee on Education and Cultural Affairs

Sponsored by: Representative Bagshaw

Date: May 6, 2025

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

My name is Fern Desjardins, and I serve as Chair of the Maine State Board of Education. I am submitting this testimony on behalf of the State Board neither for nor against L.D. 1588 An Act to Ensure Transparency in Student Transfer Requests.

The State Board supports having the Department of Education post data on their website to convey information for analysis or interpretation by educators or other parties of interest. Having easy access to specific facts or details makes research on a given topic possible. Problems get identified and solutions to those problems are formulated.

The Department of Education keeps a record of student transfers. They track how many were locally approved by the superintendents and how many were appealed to the commissioner. Of those that were appealed, they track how many were approved, denied, closed (no longer under appeal), and how many were not eligible to transfer. They also track how many were appealed to the State Board and how many of them were approved and denied. School Administrative Units report student transfers to the DOE for state school subsidy purposes as provided for in 20-A MRSA §5205, sub-§6, paragraph D.

L.D. 1588 requires the commissioner to make de-identified information, including the written decision that is required in statute, available on the DOE's website. De-identified is described as "any potential identifying information of a student has been removed." Though a student's name, grade, or gender identity may not be included, posting a written description for each denial could be problematic and a violation of the Family Educational Rights and Privacy Act.

As chair of the State Board, I've been writing the "written decision describing the basis of the state board's determination" for appeals reviewed by the Board in the last four years. Written descriptions have at times included the medical, social, and emotional well-being of a child, family circumstances, school performance factors, and even safety issues. Connecting SAU's in any way on a website with reasons for approving or disapproving a transfer is not a good idea. It risks student identification, particularly in small communities where low numbers of requests or unique situations could make students identifiable.

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