

State of Maine  
STATE BOARD OF EDUCATION

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

In Support of L.D. 1719, An Act Regarding Superintendent Agreements for Transfer Students.

Before the Joint Standing Committee on Education and Cultural Affairs

Sponsored by: Senator Rafferty

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 in support of L.D. 1719, An Act Regarding Superintendent Agreements for Transfer Students.

The Education and Cultural Affairs Committee held public hearings on two bills regarding student transfers on April 2, 2025:

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

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

I testified on both bills and asked committee members to postpone work sessions on the two bills until public hearings for other bills on student transfers were heard. I also asked that the Committee consider the varied ideas brought forward in the bills in a comprehensive manner to address concerns raised on student transfers.

Today, you have three bills on student transfers:

L.D. 1588 *An Act to Ensure Transparency in Student Transfer Requests*

L.D. 1719 *An Act Regarding Superintendent Agreements for Transfer Students*

L.D. 1760 *An Act to Promote Public Education in Maine by Amending the Laws Governing Student Transfers*

With at least five different bills on student transfers presented or cosponsored by seven senators and 22 representatives, one can conclude that there is much interest in reviewing 20-A MRSA §5205, sub-§6 on *Transfer Students* and other sections impacted by language in the proposed amendments. Likewise, the State Board of Education is interested in having legislators consider language changes drafted cooperatively between the State Board and the Maine School Superintendents Association.

We began discussions of our concerns with the current law in December 2024 and went through different drafts of proposed amendments before we were ready to seek a sponsor for a bill prior to cloture; however, we continued refining our proposal until we got to consensus on amendments to our original proposal on §5205, sub-§6 on *Transfer Students*. That proposed amendment is in front of you today.

The State Board and MSSA have proposed language that addresses the following concerns:

- Lack of information provided to the Board for informed decision-making
- Misuse of the student transfer provision in statutes for school choice
- Length of time often noted from when a parent submitted the request to when the superintendents signed off with their decisions
- The resident and receiving superintendents not discussing requests from parents prior to making determinations and simply signing off

- Decision-making by superintendents not always child-centered but financially driven
- Challenges faced by SAU's with high enrollments and limited capacity when resources and capacity are not considered in the review process
- Timeliness when transfer requests begin trickling in many months prior to the next calendar year
- Individual interests not balanced with the greater good
- Lack of consistency among SAU's in the student transfer process
- Verifying the accuracy of the documents submitted to the State Board

Working collaboratively with MSSA, we've addressed concerns by replacing numbers (1) and (2) in paragraph A of §5205, sub-§6 with numbers 1-5 that provide much clarity on expectations from parents and the resident and receiving superintendents. It is important to note that (3) requires the resident and receiving superintendents to discuss the transfer prior to making their individual determinations, (4) adds the school community's best interests along with the student's best interest, and (5) requires that determinations are finalized within 30 calendar days of receiving a request.

The next two paragraphs make clear that transfers are in effect for the entire school year unless there is agreement in reversing the agreement, and that the sole basis for disapproving a request cannot be that students should attend school where their parents reside. The whole point of the statute is to give parents an opportunity to explore having their child attend school in a unit where they do not reside and the determination would now be based on the best interest of the child and the school community.

Paragraph B adds a 15 calendar day limit for parents to request that the commissioner review the transfer, requires that the commissioner review all documents required in paragraph A, and emphasizes that the sole basis for disapproval cannot be that students should attend school in the place where their parent resides.

Another important addition in paragraph B is that if both superintendents denied the transfer request, the commissioner only reviews whether the superintendents reached their determinations in an arbitrary or unreasonable manner. Otherwise, the commissioner must review whether the transfer is in the best interest of the student and school community.

Paragraph F provides parents dissatisfied with the commissioner's decision 15 calendar days, instead of 10 days, the opportunity to request that the State Board review the transfer. The Board's role would change significantly in that we would only review the documents and timelines required in paragraph A and the written decision of the commissioner describing the basis of the commissioner's determination in our approving or disapproving the transfer.

The closing paragraph of sub-§6 addresses a transfer to a receiving SAU that does not operate a public school that includes the grade level of the student whose parent requests the transfer. We are recommending deleting the provision in statute "unless the superintendents of both the sending and receiving school administrative units approve the transfer." There is no reason to include superintendents in this kind of situation where there is no public school that can accept the student.

There was discussion about the number of appeals the State Board receives, how many are approved, and the number denied. I received data for two additional years since I testified on L.D. 218. In the eight years from 2016-2017 to 2023-2024, there were 272 appeals that came to the State Board. There were 166 or 61% denied and 106 or 39% approved.

The State Board supports L.D. 1719 because it addresses concerns raised by superintendents and the Board with the current law and procedures in place by proposing amendments that adjust and clarify the transfer provision in statute.

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