



HOUSE OF REPRESENTATIVES

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Senator Rafferty, Representative Murphy, and distinguished colleagues of the Education and Cultural Affairs Committee, thank you for the opportunity to speak with you today.

As you know, I am Representative Kimberly Haggan and I proudly represent House District 36, which includes the communities of Hampden and Newburgh.

I am here today to present and advocate for my bill, LD 1760, "An Act to Promote Public Education in Maine by Amending the Laws Governing Student Transfers."

While this committee has considered various proposals related to student transfers this session, LD 1760 offers a distinct and crucial approach. It utilizes the existing student transfer process to establish a system of meaningful open enrollment for students across all public schools throughout Maine.

The landscape of education has shifted significantly, particularly since the pandemic. We are hearing a clear and consistent call from parents for more diverse and accessible educational options for their children within the public system.

LD 1760 directly addresses this need by empowering families to find the best public school fit for their child, regardless of their zip code.

Maine would not be alone in embracing this forward-thinking policy. To date, 16 states across the country have successfully

implemented some form of open enrollment law within their public school systems.

These programs demonstrate that allowing students to enroll in any public school of their choice, without being restricted by residential boundaries, is a viable and beneficial model.

LD 1760 is designed to bring much-needed transparency and accountability to the transfer process. Under this system, schools would be required to publicly report their capacity and enrollment figures annually. This vital information will allow parents and the public to easily identify where available space exists.

Furthermore, schools would be mandated to report annually to the Maine Department of Education the number of transfer applications received, accepted, and denied. This level of data collection is critical. It will provide the Department, this committee, and the public with a clearer understanding of how the student transfer process is functioning, the primary reasons for denials, and which schools or districts are most or least responsive to families seeking to utilize this option.

Importantly, this bill explicitly prohibits discrimination in Maine schools' transfer policies. It makes unequivocally clear that decisions cannot be based on a student's address, ability, disability, race, ethnicity, sex, or socioeconomic status.

Every student deserves an equal opportunity to find the learning environment where they can thrive.

As a retired teacher with 37 years of experience in Maine public schools, I have witnessed firsthand the transformative impact a change in environment can have on a young learner. Students truly excel in their learning and achieve their full academic potential when they feel safe, supported, and engaged in their educational setting.

I firmly believe that a core responsibility of this Committee is to ensure more students have that opportunity. LD 1760 opens the door for them to find the best public schooling option available to meet their individual needs and learning styles.

It is crucial to distinguish LD 1760 from other proposals that may offer school choice options. This bill is firmly rooted **within** the public school system. It does not direct or facilitate students to unenroll from public schools to attend private or religious institutions. Instead, it empowers Maine students to attend a different public school of their choice, even if it is outside of the district in which they reside, strengthening our public education system as a whole.

For these critical reasons - **providing greater educational options, fostering transparency, ensuring equity, and keeping students within the public system** - I urge the Committee to vote "Ought to Pass" on LD 1760 this session. I am confident that this legislation will be a significant step forward for public education in Maine.

Thank you for your time and consideration. I have some experts on this bill right behind me. I would greatly appreciate you directing your questions to them.

An Act to Promote Public Education in Maine by Amending the Laws Governing Student Transfers

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 20-A MRSA §1258, sub-§1, ¶C, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

C. Secondary school facilities may be operated as 4-year schools, a 6-year school for grades 7 to 12 or 2 or more 3-year schools, except that students living in an area remote from a public school may be provided for under section ~~5204~~ 5203.

Sec. 2. 20-A MRSA §1479, sub-§1, as enacted by PL 2007, c. 240, Pt. XXXX, §13, is amended to read:

1. Secondary school. A secondary school facility may be operated as a 4-year school, as a 6-year school for grades 7 to 12 or as 2 or more 3-year schools, except that students living in an area remote from a public school may be provided for under section ~~5204~~ 5203.

Sec. 3. 20-A MRSA §5203, as amended by PL 2007, c. 668, §29, is further amended to read:

§5203. Elementary students Student right to attend school in another administrative unit

The following provisions govern the right of elementary ~~students~~ a student to attend school in another school administrative unit other than the one in which ~~they are~~ that student is resident.

1. Units with an elementary school. ~~An elementary~~ A student may attend ~~an approved private school or a public elementary or secondary school, including a contract school under section 2701, in any school administrative unit with the consent of the receiving school's school board. The student's parent or guardian, as long as there is capacity in the receiving school. The school administrative unit where the student's parent or guardian resides shall pay the cost of tuition and transportation. The receiving school shall notify the superintendent of the school administrative unit where the student's parents reside~~ parent or guardian resides of the name and grade of the accepted student.

2. Living remote from public schools in a school administrative unit. ~~Elementary students~~ A student whose ~~parents live~~ parent or guardian lives remote from a public school in ~~their~~ that student's school administrative unit may, ~~with the consent of the school board in their unit,~~ attend public school in an adjoining school administrative unit in Maine or a neighboring state if the adjoining unit ~~accepts tuition students has the capacity in the receiving school and grade level to accept students.~~ The school administrative unit where ~~the students' parents reside~~ student's parent or guardian resides shall pay tuition and transportation. The receiving school shall notify the superintendent of the school administrative unit where the student's parent or guardian resides of the name and grade of the accepted student.

3. Contract school. ~~Students~~ A student whose ~~parents reside~~ parent or guardian resides in a school administrative unit ~~which that~~ contracts for school privileges under section 2701 may attend the contract school. The school administrative unit in which ~~their parents reside~~ the student's parent or guardian resides shall pay the costs of the contract and transportation. The receiving contract school shall notify the superintendent of the school administrative unit where the student's parent or guardian resides of the name and grade of the accepted student.

4. Exception; no elementary school. A school administrative unit that neither maintains ~~an elementary~~ a school nor contracts for elementary school privileges pursuant to chapter 115 shall pay the tuition, in accordance with chapter 219, ~~at the public school or the approved private school of the parent's choice at which the student is accepted.~~ The receiving school shall notify the superintendent of the school

administrative unit where the student's parent or guardian resides of the name and grade of the accepted student.

5. Units with 10 or fewer students. ~~Elementary students~~ A student whose ~~parents reside~~ parent or guardian resides in a school administrative unit with a total April 1st resident student count of 10 or less may attend public school as ~~a tuition students~~ student in a nearby school administrative unit. The school board of the nearby school administrative unit shall accept the ~~students~~ student if requested by the ~~school board of the unit in which the students' parents reside~~ student's parent or guardian. The school board where the ~~students' parents reside~~ student's parent or guardian resides shall pay tuition and transportation. The receiving school shall notify the superintendent of the school administrative unit where the student's parent or guardian resides of the name and grade of the accepted student.

Sec. 4. 20-A MRSA §5204, as amended by PL 2007, c. 668, §30, is repealed.

Sec. 5. 20-A MRSA §5205, sub-§6, as amended by PL 2015, c. 448, §10, is further amended to read:

6. Transfer students. The Pursuant to section 5203, the following provisions apply to student transfers of students from one school administrative unit to another school administrative unit and from one school to another school within the same school administrative unit.

~~A. Two superintendents may approve the transfer of a student from one school administrative unit to another if:~~

- ~~(1) They find that a transfer is in the student's best interest; and~~
- ~~(2) The student's parent approves.~~

~~The superintendents shall notify the commissioner of any transfer approved under this paragraph. If either of the superintendents decides not to approve the transfer, that superintendent shall provide to the parent of the student requesting transfer under this paragraph a written description of the basis of that superintendent's determination.~~

A-1. A request by a student's parent or guardian for a transfer from one school administrative unit to another school administrative unit or from one school to another school within the same school administrative unit must be approved by the receiving school administrative unit or school, as long as there is sufficient capacity for enrollment at the receiving school and grade level pursuant to paragraph C-1. If a transfer request is denied, the receiving school administrative unit shall provide to the student's parent or guardian a written description of the basis of that school administrative unit's decision.

~~B. On the request of the parent of a student requesting transfer If a transfer request under paragraph A A-1 is denied, the commissioner shall review the transfer. The commissioner shall review the superintendents' receiving school administrative unit's determinations and communicate with the superintendents receiving school administrative unit and with the parent or guardian of the student prior to making a decision. The commissioner may approve or disapprove the transfer and shall provide to the parent or guardian of the student and to the superintendents receiving school administrative unit a written decision describing the basis of the commissioner's determination.~~

~~C. The superintendents shall annually review any transfer under this subsection.~~

C-1. A school administrative unit shall determine ~~monthly~~ yearly the available capacity per grade level in each of the school administrative unit's schools. The number of available seats per grade level must be posted on each school's publicly accessible website by the first day of each month August 1 of each year. The capacity for each school must be measured by grade level and may not be measured by program or special program capacity.

C-2. A transfer policy created by a school administrative unit may not discriminate against any student on the basis of that student's residential address, ability, disability, race, ethnicity, sex or socioeconomic status.

D. For purposes of the state school subsidy, a student transferred under this subsection is considered a resident of the school administrative unit to which the student is transferred. Upon request of the superintendent of schools in the unit in which a student is placed in accordance with this subsection, the state share percentage for subsidized educational costs for that student is equivalent to the state share percentage of the unit in which the student's parent or legal guardian resides or the average state share percentage, whichever is greater. If the parent or legal guardian does not reside in the State or ~~can not~~ cannot be located, the subsidy is the state average subsidy.

D-1. Each school administrative unit shall adopt and implement a policy that allows students to apply for transfer to another public school within the student's resident school administrative unit or to a school in another school administrative unit. The policy must outline the procedures for submitting a transfer request and the rights of students under the policy. Each school administrative unit shall post the adopted transfer policy prominently on its publicly accessible website.

E. A school administrative unit may not charge tuition for a transfer approved under this subsection.

F. If dissatisfied with the commissioner's decision, a parent or guardian of a student requesting transfer ~~or either superintendent~~ may, within 10 calendar days of the commissioner's decision, request that the state board review the transfer. The state board shall review the superintendents' school administrative units' determinations and communicate with the commissioner, the superintendents' school administrative units and the parent or guardian of the student. The state board may approve or disapprove the transfer. The state board shall make a decision within 45 calendar days of receiving the request and shall provide to the parent or guardian of the student, the superintendents' school administrative units and the commissioner a written decision describing the basis of the state board's determination. The state board's decision is final and binding.

G. Notwithstanding paragraph D, if the commissioner or state board approves a transfer under this subsection and the student subject to the transfer is receiving special education services, the state subsidy of special education costs for the transferred student may not be reduced as a result of the transfer.

A transfer under this subsection may not be made to a receiving school administrative unit that does not operate a public school that includes the grade level of the student whose parent or guardian requests the transfer, unless the ~~superintendents of both the~~ sending and receiving school administrative units approve the transfer.

A school administrative unit shall notify the commissioner annually by July 1st of the number of transfer applications, acceptances and denials and the reason for each denial. The commissioner shall publish the data annually on the department's publicly accessible website.

Sec. 6. 20-A MRSA §5205, sub-§6-A, as enacted by PL 2011, c. 651, §1, is amended to read:

6-A. Interdistrict enrollment policies. ~~The school~~ School boards of 2 or more school administrative units ~~may adopt mutual policies allowing that wish to allow~~ the transfer of students, with parental or guardian approval, among the participating units. ~~The must adopt mutual policies must that~~ set forth procedures and standards governing the transfers, including but not limited to the school year or years in which the policy applies, application procedures and standards of responsibility for transportation and special education. Each school board adopting a policy under this subsection shall file a copy of the policy with the department prior to the effective date of that policy and shall provide timely notice of the policy to residents of the school

administrative unit governed by that school board. For the purposes of chapter 606-B, a student transferred under this subsection is considered a resident of the school administrative unit to which the student transferred.

Sec. 7. 20-A MRSA §5205, sub-§6-B, as amended by PL 2019, c. 219, §5, is further amended to read:

6-B. Education service center enrollment policies. Members in an education service center, as defined in section 3801, subsection 1, paragraph B, ~~may~~ shall adopt a mutual policy allowing the transfer of students, with parental or guardian approval, among the member school administrative units. The mutual policy must set forth procedures and standards governing the transfers, including but not limited to the school year or years in which the policy applies, application procedures and standards of responsibility for transportation and special education. Each member school board that adopts the mutual policy under this subsection shall post a copy of the mutual policy on the school administrative unit's publicly accessible website and shall provide timely notice of the policy to residents of the school administrative unit governed by that school board. For the purposes of chapter 606-B, a student transferred under this subsection is considered a resident of the school administrative unit to which the student transferred.

Sec. 8. 20-A MRSA §5205, sub-§7, as amended by PL 2003, c. 477, §4, is further amended to read:

7. Homeless students. Pursuant to section 261, the commissioner ~~may~~ shall adopt rules to ensure that each homeless student has unrestricted access to the free public education afforded by section 2, subsection 1. The rules must implement the requirements and policies of the McKinney-Vento Homeless Education Assistance Improvement Act of 2001, 42 United States Code, Section 11431 et seq., and may be adopted as part of or in conjunction with the required state plan. The rules must include, but are not limited to, provisions for the resolution of disputes regarding the educational placement of homeless students according to the best interest of homeless students, provisions that homeless students receive services comparable to services offered to other students in the schools they attend, provisions to address transportation and health records as a barrier to school admission and other provisions required by United States Code, Title 42, Section 11431.

SUMMARY

This bill amends the laws governing student school transfers by:

1. Consolidating the provisions regarding elementary school transfers and secondary school transfers into one section of law;
2. Requiring notification of accepted transfers to parents and guardians and the sending school administrative unit and amending decision review procedures;
3. Establishing requirements regarding school capacity for transfer students and requiring school administrative units to report to the Commissioner of Education annually the number of transfer applications, acceptances and denials and the reason for each denial;
4. Requiring that a school administrative unit's transfer policy not discriminate against any student on the basis of that student's residential address, ability, disability, race, ethnicity, sex or socioeconomic status;
5. Requiring school boards of 2 or more school administrative units that wish to allow the transfer of students among the participating units to adopt mutual policies that set forth procedures and standards governing the transfers and requiring members of an education service center to adopt a mutual policy allowing the transfer of students among the member school administrative units; and

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6. Requiring the commissioner to adopt rules to ensure that homeless students have unrestricted access to free public education.

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