

TESTIMONY IN OPPOSITION TO

L.D. 1343

AN ACT TO CREATE EDUCATION CHOICES BY CREATING EDUCATION
SAVINGS ACCOUNTS FOR MAINE STUDENTS

AND

L.D. 1426

AN ACT TO PROVIDE FOR THE EQUITABLE FUNDING OF
EDUCATION CHOSEN BY MAINE FAMILIES

Senator Rafferty, Representative Brennan and members of the Education and Cultural Affairs Committee. I am Steven Bailey, executive director of Maine School Management Association, testifying on behalf of the legislative committees of the Maine School Boards Association and Maine School Superintendents Association in opposition to L.D. 1343 and L.D. 1426.

Our associations have consistently opposed expansion of school choice in the state because it increases the cost of education and weakens programs in existing public schools by reducing revenues to support them.

We have attached to this testimony an overview of the public school choice options already in statute under **20-A, §5205 Other exceptions to the general residency rules**. They include superintendent approved transfers, known as superintendent agreements; inter-district enrollment agreements; and, Education Service Center transfer agreements. **Public Charter Schools, 20-A, Chapter 112**, also offers choice.

To expand choice would further deplete already underfunded school budgets and put a greater burden on property taxpayers. Fixed costs in existing public schools won't go down with enrollment decreases, nor will payroll costs. Class sizes could decrease, but not enough to warrant staff reductions.

We also want to note that L.D. 1426 specifically allows for state funding to pay for enrollment in sectarian schools. Maine law prohibits public funding for religious schools – a law that was upheld in October of 2020 by the First Circuit U.S. Court of Appeals.

There also is no evidence that choice improves student achievement.

What it does do is take away funding from public schools, governed by locally elected school boards, paid for by local taxpayers and open to all students. We urge the defeat of both bills.

20-A, §5205. Other exceptions to the general residency rules

6. Transfer students. The following provisions apply to transfers of students from one school administrative unit to another.

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. [PL 2013, c. 456, §1 (AMD).]

B. On the request of the parent of a student requesting transfer under paragraph A, the commissioner shall review the transfer. The commissioner shall review the superintendents' determinations and communicate with the superintendents and with the parent of the student prior to making a decision. The commissioner may approve or disapprove the transfer and shall provide to the parent of the student and to the superintendents a written decision describing the basis of the commissioner's determination. [PL 2013, c. 456, §2 (AMD).]

C. The superintendents shall annually review any transfer under this subsection. [PL 1981, c. 693, §§5, 8 (NEW).]

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 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 be located, the subsidy is the state average subsidy. [PL 1991, c. 365, §2 (AMD).]

E. A school administrative unit may not charge tuition for a transfer approved under this subsection. [PL 1981, c. 693, §§5, 8 (NEW).]

F. If dissatisfied with the commissioner's decision, a parent 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' determinations and communicate with the commissioner, the superintendents and the parent 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 of the student, the superintendents and the commissioner a written decision describing the basis of the state board's determination. The state board's decision is final and binding. [PL 2013, c. 456, §3 (AMD).]

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. [PL 2015, c. 448, §10 (NEW).]

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 requests the transfer, unless the superintendents of both the sending and receiving school administrative units approve the transfer.

[PL 2015, c. 448, §10 (AMD).]

6-A. Interdistrict enrollment policies. The school boards of 2 or more school administrative units may adopt mutual policies allowing the transfer of students, with parental approval, among the participating units. The policies 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 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.

[PL 2011, c. 651, §1 (NEW).]

6-B. Education service center enrollment policies. Members in an education service center, as defined in section 3801, subsection 1, paragraph B, may adopt a mutual policy allowing the transfer of students, with parental 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.