



126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 530

H.P. 349

House of Representatives, February 19, 2013

An Act To Apply the Standard of Best Educational Interest to Superintendent Agreements for Transfer Students

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative NELSON of Falmouth.
Cosponsored by Representative KORNFIELD of Bangor, Senator MILLETT of Cumberland and Representatives: DAUGHTRY of Brunswick, HUBBELL of Bar Harbor, KUSIAK of Fairfield, MacDONALD of Boothbay, MONAGHAN-DERRIG of Cape Elizabeth, POULIOT of Augusta, Senator: JOHNSON of Lincoln.

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

2 **Sec. 1. 20-A MRSA §5205, sub-§6, ¶¶A and B**, as enacted by PL 1981, c. 693,
3 §§5 and 8, are amended to read:

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

6 (1) They find that a transfer is in the student's best educational interest; and

7 (2) The student's parent approves.

8 The superintendents shall notify the commissioner of any transfer approved under
9 this paragraph.

10 B. On the request of the parent of a student requesting transfer under paragraph A,
11 the commissioner shall review the transfer. ~~The commissioner's decision shall be~~
12 ~~final and binding.~~ The commissioner may modify the transfer decision only upon a
13 written finding that the student may not have the opportunity to receive the benefits
14 of a free public education without the transfer.

15 **SUMMARY**

16 This bill clarifies the standard to be applied by superintendents when considering the
17 transfer of a student from one school administrative unit to another by incorporating the
18 standard set forth in the Maine Revised Statutes, Title 20-A, section 2, which is that a
19 student must be provided an opportunity to receive the benefits of a free public education.