



MAINE STATE BOARD OF EDUCATION

23 State House Station
AUGUSTA, MAINE 04333

STATE OF MAINE

The Student Transfer Ad Hoc Committee held a meeting on January 7, 2025, at the Burton M. Cross building in Augusta, Maine and virtually via Zoom. The following members were present: Chair, Fern Desjardins, Paulette Bonneau, Tom Keller, and Ed Morin.

Others Present: Dan Chuhta, Deputy Commissioner, Maine DOE; Robbie Feinberg, Director of Communications and Government Relations, MSSA; Eileen King, Executive Director, MSSA; Maria Libby, RSU 28 Superintendent; Stephen Marquis, RSU 57 Superintendent; Jonathan Moody, RSU 54 Superintendent; and Peter Thiboutot, AOS 92 Superintendent.

The meeting was convened by Fern Desjardins, Chair of the State Board, at 2:30 PM.

Language Revisions and Educational Interest

- There was discussion about the current language and draft language for consideration.
- The definition of 'educational interest' was discussed and whether it should be included in the language.
- Be more specific with 'academic', but concerns were raised about the potential limitations and the impact on childcare and transportation.
- A suggestion to leave the term 'best interest' as it was, as it could encompass various factors beyond just academic or educational interests.
- The group agreed to revert to the original language, removing the term 'educational interest'.

Student Transfer Process and Language

- The language and process for transferring students between school administrative units with the inclusion of the term "guardian" in the definition of "parent" and the implications of a parent's approval for a transfer were discussed.
- The timing of transfer requests was discussed, with suggestions of clearer language to indicate that requests can be made from April 15th onwards.
- The team agreed to make the language more consistent, with the understanding that a parent or guardian can initiate a transfer request as long as one of them approves it.

Transfer Request Document Drafting

- The team discussed the draft of a document related to transfer requests and agreed on several changes, including the use of "reach their determinations"

instead of "reach a determination" to clarify that decisions could be independent.

- Also discussed was the inclusion of a process with a signature confirming its follow-through in the document.
- The process should be included with a signature, which could make everything clearer.
- The team agreed to wait for feedback from legal counsel before making any final decisions.

Residency Rule and Transfer Exceptions

- A question about whether the standard rule of attending school in the district of residence is sufficient grounds for denial. The exception they are discussing (paragraph 6) specifically allows for transfers, so the decision cannot be based solely on residence.
- The group discussed how each superintendent should provide their individual determination and rationale to the parent, revising the language to clarify that each superintendent writes to the parent about their own decision.

Superintendent Agreement Language Revisions

- Discussion about a superintendent agreement with focus on the language and its implications.
- The team agreed to remove the word "educational" and replace it with "best interest of the student and school community."
- Also discussed was the term "unrelated" in the context of a change of circumstances, with the suggestion of a more specific phrase such as "unrelated to the original transfer request" and to change "may be reversed" to "shall be reversed" to indicate a more definitive process.
- Discussed the financial implications of a student transfer- that the receiving school unit would not receive a subsidy if the student transferred back.

Appeal Process for Best Interest

- The need for an appeal process in case of disagreements between superintendents regarding the best interest of a child.
- The Commissioner's office should have the authority to convene the superintendents to discuss the situation.
- The need for an appeal process that goes beyond just process review, to ensure the best interest of the child is considered. An agreement to revise the language to reflect this, with the Commissioner's review focusing on whether the transfer is in the best interest of the student and if the correct process has been followed.
- The need for a clear order of review, with the Commissioner's review coming after the superintendents' review.

Clarifying Commissioner's Transfer Request Role

- Discussion of the language and process of the Commissioner's review of transfer requests took place.
- The language should include both superintendents agreeing or denying the request, not just when both have denied. Clarification on if both superintendents agree, the process would still be reviewed.

- The team also discussed the ambiguity around the Commissioner's role in reviewing the process versus the facts. A suggestion to use the word "only" instead of "solely" to clarify the Commissioner's role. The team agreed to use the same language as the statute and to include a form that explicitly states the Commissioner's role in reviewing the process.
- Also discussed was the possibility of the Commissioner reviewing the facts to determine the best interest of the student and school community.

Refining Appeal Process and Language

- The process of appealing decisions made by superintendents and the State Board was discussed.
- Concerns about the implications of the process, particularly when both superintendents have denied a request were raised.
- It was suggested that the Commissioner should review the process followed and communicate with the superintendents and the parent of the student before making a decision.
- Also proposed was the idea of a fifth paragraph to clarify the Commissioner's role in determining the process's validity.
- The team agreed to continue refining the process and language to ensure clarity and accuracy.

Transfer Request Process and Roles

- The team discussed the process of transfer requests and the role of the Commissioner and superintendents in determining whether the appropriate process was followed.
- If the Commissioner determines that the process was not followed, the superintendents must revisit the transfer request within 30 days of notification from the Commissioner.
- The need for a new determination to be issued to the parent, with documentation showing that the process was followed.
- It was decided to keep the language consistent and agreed to leave the current draft for now, with the possibility of revisiting the language later.

Transfer Process and Financial Implications

- There was a discussion on the review of a transfer, with a focus on the financial implications and the responsibility of the parent for transportation.
- The group agreed to change the 10 calendar days to 15 in the transfer process and to remove the word 'seek' from the statutes.
- Also discussed was the possibility of appealing the decision to the State Board of Education.

Refining Transfer Request Language Process

- Refining the language and process for handling transfer requests between school districts.
- The team discussed the role of the State Board in the process, with some members suggesting that the Board's role could be reduced or eliminated.
- The need for a common form for transfer requests and the potential for amendments to the bill being introduced.

- The team agreed to finalize the language and present it to the State Board for further discussion. The next steps include getting the language to Senator Rafferty and potentially introducing a bill.

Next Steps:

- 1) Robbie to reorganize section B of the document, including subsections for different scenarios and moving relevant parts from section F.
- 2) Fern to present the updated draft language to the State Board in the workshop for discussion and potential decision-making.
- 3) Fern to consult with Sarah Forster for legal review of the final language.
- 4) Robbie to get the finalized language to Senator Rafferty after the State Board meeting, if approved.
- 5) Eileen and MSSA team to develop a common, standardized form for superintendents to use in the transfer request process.
- 6) MSSA team to create example completed forms to provide guidance on adequately completing the form.
- 7) Eileen to roll out the new common form to Regional Presidents and Executive Committee for feedback.

The meeting adjourned at 4:53 PM.

Emily Cummins, Office Specialist II
Maine State Board of Education