



MAINE STATE BOARD OF EDUCATION

23 State House Station
AUGUSTA, MAINE 04333

STATE OF MAINE

The Student Transfers Ad Hoc Committee met on February 14, 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; Stephen Marquis, RSU 57 Superintendent; Jonathan Moody, RSU 54 Superintendent; and Emily Cummins, Office Specialist II, State Board of Education.

Wendy Ault, member of the State Board, attended as an observer.

The meeting was called to order by Fern Desjardins, Chair of the State Board, at 3:30 PM.

APPROVAL OF MINUTES:

MOTION by Tom Keller, seconded by Paulette Bonneau, and unanimously voted by Ad Hoc Committee members to approve the January 28/30, 2025, minutes as presented. The motion was adopted.

Ad Hoc Committee Proposal Refinement

- Discussion about the ongoing process of refining a proposal for the ad hoc committee.
- The committee met with Sarah Forster, AAG, who expressed concerns about the process and facts being addressed.
- A decision to redraft the proposal, working back from the current statutes, incorporating ideas from Superintendent Maria Libby, and the concerns of other superintendents and the State Board.
- A question was raised about the end goal of the process, suggesting that the goal seemed to change with each draft.

Addressing Student Transfer Appeals Process

- Concerns were raised about the State Board of Education dealing with student transfer appeals, emphasizing that they lack the resources and local knowledge to make informed decisions.
- They suggested that the process should be handled between superintendents and the Commissioner.
- A suggestion was made that the superintendents closest to the process should be the ones making the decision.

- The group then discussed the drafted document. They went through the steps outlined in the document, with no major concerns raised. The document aims to clarify the process for student transfer appeals, including when requests can be made, how superintendents should be notified, and what evidence should be provided.

Language Consistency in School Community

- Concerns were expressed about the language used in the school community section, fearing it might not be strong enough for the superintendents.
- Using the phrase "consider whether or not the students' best interests are being met in their school community" to ensure the focus remains on the students' needs was suggested.
- Another suggestion was to change "needs" to "best interests" to avoid implying a negative judgment on the school system was made.
- The language should focus on the students' best interests, rather than just their needs.

Revising School Community Considerations

- The team discussed the need to revise a phrase related to the consideration of evidence and information in the context of a school community.
- They agreed to replace the phrase "students' best interests" with "student's and school community's best interests" to better reflect the considerations of both the students and the school community.

Reviewing Evidence and Transfer Decisions

- The team discussed the process of reviewing evidence and making decisions on requests.
- They agreed to use the term "review" instead of "consider" to avoid repetition.
- The superintendents were tasked with reviewing the evidence provided, verifying the information, and deciding whether a request was in the best interests of the student and school community.
- They agreed to notify the Commissioner of approved transfers and to provide a written description of the basis for any denied transfers.
- The team also discussed the importance of not basing disapproval solely on the fact that students should attend school where their parents reside.

Transferring Students and Communication Requirements

- The team discussed the need for clear communications and the potential challenges of sharing confidential information.
- They also debated the necessity of the Commissioner's communication with the superintendents and parents prior to making a decision, with some members expressing concerns about the potential implications.
- The team agreed to maintain the current communication requirements, but to ensure that the Commissioner only reviews the necessary documents and does not delve into unnecessary details.
- The conversation ended with the understanding that the Commissioner should review all required documents and communicate with the superintendents and parents before making a decision.

Inserting "May" and Reviewing Transfers

- The group discussed and agreed to insert the word "may" in the phrase "and may communicate with the superintendents" in Section B of the document.
- They also considered adding language to address cases where both superintendents initially denied a transfer request.
- A proposal of new text stating that in such cases, the Commissioner would only review whether the superintendents' determinations were arbitrary or unreasonable, while in other cases, the Commissioner would review whether the transfer was in the best interest of the student and school community.
- They reviewed and confirmed other sections of the document, including provisions about one-year approvals, state subsidies, and tuition charges.

Transfer Process and Executive Sessions

- Discussion about changes to the transfer process, including a change from 10 to 15 calendar days for the State Board to review documents and make a decision.
- The need for the State Board to review documents without holding executive sessions was expressed.
- Also discussed was the potential emotional impact of executive sessions and the need to remove this element from the process.
- A suggestion that the current policy allowing executive sessions should be changed to align with public records laws, and the policy should be updated to reflect this change.

Clarifying Executive Sessions and Policies

- The team discussed the interpretation of the law regarding executive sessions and the review of documents.
- They agreed to add the word "only" to the State Board's review of documents to ensure clarity and avoid potential challenges.
- Also discussed was the possibility of not needing a policy if the law is clear.
- The team agreed to make changes to the document and to consult with Sarah about the idea of the executive session.

Student Transfers and School Choice

- The group discussed the issue of student transfers and the potential for school choice.
- They agreed to delete a section that could be used for school choice, as it could lead to private schools receiving public school funds.
- The team discussed the definition of "parent", with the consensus being that the term should be used without the plural form or reference to "guardian" since "parent" is defined in MRS Title 20-A.
- The next steps involve finalizing the changes discussed and preparing for a meeting with Senator Rafferty in March.

The meeting adjourned at 4:41 PM.

Emily Cummins, Office Specialist II
Maine State Board of Education