



MAINE STATE BOARD OF EDUCATION

23 State House Station
AUGUSTA, MAINE 04333

STATE OF MAINE

The Student Transfers Ad Hoc Committee held a meeting on January 28, 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: Emily Cummins, Office Specialist, State Board of Education

The meeting was convened by Fern Desjardins, Chair of the State Board, at 1:00 PM.

APPROVAL OF MINUTES:

MOTION by Paulette Bonneau, seconded by Tom Keller, and unanimously voted by those present to approve the January 21, 2025, minutes as presented. The motion was adopted.

Language Changes and Decision Process

- Discussion on the language changes for 20-A MRSA §5205(6), the transfer of students.
- A question was raised about the interpretation of the language regarding the superintendents' decision-making process.
- It was suggested to add, "finalize their individual determinations within 30 calendar days" to clarify the process.
- The team agreed to consider this suggestion.

Language and Structure of Document

- The team discussed the language and structure of a document related to individual determinations and transfer approvals.
- It was agreed to strike the word "superintendents" from the document and replace it with "individual determination".
- The team clarified that residency should not be the sole basis for denial, and they discussed the need for a clear and concise description of the basis for denial.

Residency Statement and Notification Process

- The team discussed the final wording for a statement about residency, with a consensus to keep it as "A basis for denial cannot simply be residency."

Refining Transfer Policy Documentation

- They clarified that superintendents must provide written determinations to parents for all transfer requests, not just negative ones.
- The process for reversing an approved transfer if all parties agree it's in the best interest of the student was simplified.
- The documentation requirements for transfer requests, which include application materials, correspondence, checklists, and dates were presented.

Document Editing and Student Transfers

- They agreed to remove certain words and phrases, such as "appropriate" to avoid ambiguity.
- Also discussed was the need to specify that the Commissioner's decision should not be solely based on residency. It was considered to add a sentence similar to the one for the superintendents to the Commissioner's decision, emphasizing the need for a comprehensive evaluation.
- Discussion about the potential reasons for a student's transfer, including medical needs and access to specific educational programs.

Residency and School Choice Discussion

- Discussion on the need for a more comprehensive basis for denial in the Commissioner's response, beyond just residency. They agreed to add a sentence stating that a basis for denial cannot simply be residency.
- The potential for school choice affecting the decision-making process, with a focus on ensuring that the basics are provided by the local school was discussed.
- The team agreed to proceed with these changes for now, with the possibility of further discussion in the future.

Clarifying Transfer Request Process

- Concerns about the process of transferring students, particularly when parents were not initially getting their transfers approved by superintendents were expressed.
- It was suggested that the superintendents should be given another chance to revisit the transfer request if the State Board determines the process was not followed.
- If parents have the opportunity to beef up their applications, superintendents should also have the opportunity to respond.
- A new request within 30 calendar days if the process was not followed, and a limit on the number of times this could happen.
- The group agreed to clarify the notification process and the superintendents' role in revisiting the transfer request.

State Board Review Process Clarification

- A discussion on the revisions to the language describing the State Board's review process of superintendent determinations.
- They agree to remove references to "new" determinations and clarify that the State Board reviews the process followed by superintendents to issue their determinations.
- It was suggested to add "superintendent's" before "determinations" for clarity.

- The group also debated whether to include the commissioner's opinion in the review process, noting that current statutes only require looking at the superintendents' decisions.

Handling Transfer Requests and Appeals

- Discussion on the process for handling transfer requests between superintendents and the Commissioner.
- It was agreed that if both superintendents deny a request, the Commissioner should only review whether the process was followed. If the Commissioner determines that the process was not followed, the superintendents must revisit the transfer requests within 30 days. If the Commissioner determines that the process was followed, the request is denied.
- However, there was a concern raised about the lack of appeal to the State Board if the Commissioner's determination is final and binding.

Student Transfer Appeal Process Discussion

- The team discussed concerns about the appeal process for student transfers.
- It was suggested that if parents didn't have a place for an appeal, the Education Committee might reject the proposal.
- The appeal process should be triggered when the Commissioner determines that the process was followed, and the request is denied.
- They decided to insert language from section A to give parents the right to appeal in such cases.
- The team also discussed the role of the Commissioner in reviewing the process and the substance of the appeal.

Revisiting Process and Legislation Discussion

- They also discussed a piece of legislation (LD 218) that could impact their current statutes. The team decided to leave the current statutes as they are and let LD 218 run its course.
- They also discussed the need for a clean copy of their proposed changes, which Tom agreed to work on.

MOTION by Paulette Bonneau, seconded by Ed Morin, and unanimously voted by those present to recess the meeting until January 30, 2025, at 12:00 PM. The motion was adopted.

Reviewing School Transfer Application Process

- A change was proposed to the process of reviewing applications for school transfers. It was suggested that the State Board should review documentation from the superintendents and Commissioner outlining their processes for deciding to approve or disapprove the transfer.
- This documentation should include the parent's application materials, the superintendent's correspondence to the parent and the other superintendent, process checklists, dates of actions taken, and any other criteria used by the superintendents and Commissioner to make their decisions.
- The team agreed that the proposed changes were clear and consistent.

Consistency and Control in Documents

- The team discussed the need for consistency in their document, with a focus on the order of elements and the importance of checklists and dates.

Revisiting Transfer Request and Reviews

- Concerns were raised about ensuring the superintendents and those reading the statute understand that the review is a separate one, even if the determination remains the same.
- It was suggested to revisit the transfer request within 30 calendar days and issue a determination of the most recent review. Also emphasized was the need to ensure that the process was not followed during this most recent review before approving the transfer.
- The team agreed with the suggestions and saw them as a way to emphasize the need for a second review.

Adding Phrases and Maintaining Consistency

- A proposal to add two phrases to the document: "during this most recent review" and "in their most recent review."
- The team agreed to these additions, with some minor adjustments.
- They also decided to keep the application materials, superintendent's correspondence, and process checklists consistent with the previous version.
- The team also agreed to include "any other criteria" in the section where both superintendents have denied the request.

Student Transfer Request Appeal Process

- They clarify that if both superintendents deny a transfer, the Commissioner reviews the materials and can send it back to the superintendents if the process isn't followed.
- If the process is followed, the request is denied, and the parent can appeal to the State Board.
- The State Board then reviews the documents and makes a decision based on whether the correct process was followed.
- The group ensures that the language in the document accurately reflects this procedure and provides clarity on the appeal process.

Superintendent's Decision and State Board Review

- They debated whether the decision should be based on the Commissioner's or the superintendents' determinations, ultimately deciding to base it on the superintendents' determinations.
- Also discussed was the process of appealing to the State Board and the finality of the decision.
- The team agreed to have the State Board review the process followed to issue the superintendent's determination, and if the process was not followed, the transfer would be approved. The State Board's decision would be final and binding.

Project Refinement and Meeting Planning

- Fern proposed a final draft be sent to Sarah Forster for review and a potential meeting.

- She also outlined the next steps, which included Tom making changes to the draft, sending it for review, and then reaching out to Eileen King, Executive Director, MSSA, for a meeting with the superintendents involved in the student transfer appeal discussion.

The meeting adjourned at 1:00 PM.

Emily Cummins, Office Specialist II
Maine State Board of Education