

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND AND THIRTEEN

—
H.P. 349 - L.D. 530

**An Act To Ensure That the Standard of a Student's Best Interest Is Applied
to Superintendent Agreements for Transfer Students**

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

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

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 the superintendents decide not to approve the transfer, the superintendents shall provide to the parent of the student requesting transfer under this paragraph a written description of the basis of their determination that the transfer is not in the student's best interest.

B. On the request of the parent of a student requesting transfer under paragraph A, the commissioner shall review the transfer. ~~The commissioner's decision shall be final and binding.~~ The commissioner shall review the superintendents' determination 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 that the transfer is or is not in the student's best interest.

Sec. 2. 20-A MRSA §5205, sub-§6, ¶F is enacted to read:

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 commissioner's determination 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 30 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 that the transfer is or is not in the student's best interest. The state board's decision is final and binding.