



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 21, 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: Sarah Forster, AAG; Emily Cummins, Office Specialist, State Board of Education

The meeting was convened by Fern Desjardins, Chair of the State Board, at 1:02 PM.

APPROVAL OF MINUTES:

MOTION by Ed Morin, seconded by Tom Keller, and voted three in favor with one abstention (Paulette Bonneau) to approve the December 19, 2024, minutes as presented. The motion was adopted.

MOTION by Paulette Bonneau, seconded by Tom Keller, and unanimously voted by those present to approve the January 7, 2025, minutes as presented. The motion was adopted.

Language Changes and Superintendent Transfers

- The main topic of discussion was the language changes for 20-A MRSA §5205(6), the transfer of students.
- Sarah Forster, AAG, was invited to help with the language changes.
- She suggested starting by identifying the primary problems with superintendent transfers before proposing solutions.

Improving Student Transfer Appeal Process

- Concerns about the student transfer appeal process, emphasizing the need for more information to make informed decisions was discussed.
- The lack of standardization in documents, the time it takes for decisions, and the potential misuse of the process for school choice.
- Also expressed were concerns about repeated appeals from the same families.
- Sarah suggested that the main concern was the lack of thoroughness in the superintendent's consideration and response.
- The team agreed that the process needs to be improved to ensure that the board has all necessary information before making decisions.

Student Transfer Appeal Process Limitations

- Discussion on the limitations and potential changes to the current appeal process for student transfers. The current system, where superintendents make decisions based on undisclosed reasons, is problematic.
- Sarah suggested that the process should be more transparent, with superintendents providing clear reasons for their decisions.
- There were concerns about the feasibility of this approach due to lack of resources and legal expertise.
- The team also discussed the potential for superintendents to withhold information, which would hinder the decision-making process.

Appeals Process and Commissioner's Role

- The Commissioner's role is to review the superintendent's responses to determine if they have responded within 30 days and provided reasons for their responses. If there's a dispute, the Commissioner reviews the record in the case.
- They also discussed the possibility of a split decision, where the Commissioner would review both decisions and provide a final decision.
- Also discussed was the possibility of the Commissioner sending the case back to the superintendents to work it out.
- Sarah suggested that the Commissioner should provide both superintendents and the parent a decision and the reasons for their decision.
- The team agreed to review whether the superintendents and the Commissioner acted in a timely manner and provided reasons for their decisions.

Interpreting Statute and School Capacity

- Discussion on the concept of 'best interest of the student' and its implications on the receiving school community.
- It was debated whether the capacity of the receiving school district should be considered as part of the 'best interest of the school community'.
- Also discussed were the challenges of hiring and retaining staff, particularly in special education, and how this affects the capacity to serve students.
- The conversation ended with the understanding that the decision-making process would be complex and influenced by various factors.

Reviewing Superintendent and Commissioner Decisions

- The review process of decisions made by the superintendent and the commissioner were discussed.
- It was debated whether they should review the superintendent's decision or the commissioner's decision.
- For reviewing the commissioner's decision, focusing on the process rather than the facts was mentioned.
- Sarah proposed reviewing the commissioner's decision to ensure it was made within the allotted time frames and supported by a factual basis.
- A question about the transfer section of Title 20-A, an exception to the Residency rule.
- The team agreed to continue the discussion in the next meeting.

Residency and Student Transfer Decisions

- An issue of students attending school based on their parents' residency was discussed.
- Sarah suggested that the superintendent's decision should be based on the best interest of the student and the school community, rather than solely on residency.
- She argued that this would prevent the commissioner from agreeing with the superintendent's decision if it was based on residency alone.
- Concerns about potential arguments from superintendents about the financial impact of allowing students to transfer to another district.
- Sarah emphasized the importance of considering the financial implications of such decisions.
- It was suggested to introduce a sentence that student transfers cannot be denied simply due to residency requirements. Sarah agreed, stating that this would prevent superintendents from using residency as a basis for denial.

Improving Student Transfer Appeals Process

- Challenges and potential improvements in the student transfer appeals process were discussed.
- Sarah pointed out procedural glitches in the current statute, such as the lack of clarity on how a transfer request reaches the second superintendent and the difficulty in administering changes during the school year.
- She suggested that the process should involve simultaneous filing with both superintendents and that a change back during the school year should only occur if both superintendents and the parents agree.
- Sarah also emphasized the need for clear communication of the reasons for the transfer and the superintendents' decisions to the Commissioner.

Decision-Making Process and Appeals Limitation

- The team discussed the process of decision-making in their organization and deliberated on the consequences of insufficient information from superintendents and the potential for overturning decisions.
- Also discussed were the implications of repeatedly sending decisions back to superintendents and the potential for parents to win through non-responsiveness.
- The possibility of limiting appeals to an annual event was mentioned.
- Sarah emphasized the importance of having a statute or rule behind substantive decisions to avoid potential challenges.
- The team agreed to consider adding a rulemaking provision to implement their decisions.

Refining Student Transfer Bill Language

- The meeting focused on refining the language for a bill related to student transfers. Sarah suggested that the group could work on the bill as a joint effort with the department, while concerns were expressed about the potential unintended consequences of the bill.
- The team decided to divide the work among themselves, with each member taking on a specific section of the bill.

- The group agreed to use a track changes format to make their edits and to ensure that their changes did not contradict each other.
- Also discussed was the confidentiality of the student records involved in the transfer process.
- The next steps include drafting the sections, reviewing each other's work, and then combining the sections into a cohesive document.

Follow-Up Meeting and Public Notice

- A follow-up meeting was proposed to discuss pending issues.
- The meeting was scheduled for Tuesday, January 28, 2025, at 1:00 PM.
- The team discussed the need for public notice of their meetings.

The meeting adjourned at 2:30 PM.

Emily Cummins, Office Specialist II
Maine State Board of Education