

Admission of Non-Resident Students

The purpose of this policy is to clarify the conditions for approving a Superintendent's Agreement; noting limits on this transfer authority; outline the local protocol, and specify the procedure for appeals to the Commissioner.

- A. Two Superintendents may approve the transfer of a student from one school administrative unit to another if:
 - 1. They find that transfer is entirely in the student's best interest (funding and other considerations do not play a role); and
 - 2. The student's parent/guardian approves.
- B. The authority to approve student transfers from one school administrative district to another rests entirely with the Superintendent. However, the right to assign students to particular schools within a district rests with the School Board of the receiving administrative unit.
- C. Superintendent transfer agreements must be between two school administrative districts and be reviewed annually.

Appeals to the Commissioner

Maine Statute provides that the Commissioner of Education will review requests for transfer at the request of the parent/guardian of a student requesting transfer. This will be done on a case by case basis, guided solely by consideration of the student's best interest.

Interdistrict Transfer Protocol

- A. A transfer request should be initiated with the Superintendent of the school administrative unit where the student resides;
- B. When a Superintendent receives a transfer request, consultation with the Superintendent in the desired school administrative unit should occur before a decision is made.
- C. Both Superintendents must concur for the transfer request to be approved. One, or both, of the Superintendents can deny the request, but such denial must be in writing.

- D. Reasons for the decision should be included in the correspondence to the parent/guardian, and correspondence to the parent/guardian should be copied to the other Superintendent;
- E. Correspondence to the parent/guardian granting a transfer should include the reminder that a transfer is subject to an annual review by the Superintendents.
- F. Correspondence to the parent/guardian denying a transfer should include notice that the parent/guardian may seek review of the transfer by the Commissioner, and
- G. The receiving Superintendent should not enroll the student while a review by the Commissioner is pending.

When a request for review is received by the Commissioner, the following will occur:

- A. The Commissioner or his designee will conduct a review including, but not limited to, notifying and conferring with both Superintendents and the parent/guardian;
- B. Appeals will be completed within 45 calendar days; and
- C. The two Superintendents and the parent/guardian will be notified of transfer decisions in writing.

If a parent/guardian elects to enroll a child in a public school outside their school administrative unit of residence or in a private school pending the outcome of a review by the Commissioner, the parent/guardian must do so at their own expense.

Legal Reference: 20-A, M.R.S.A. §1001(8)
20-A, M.R.S.A. §5205(6)
20-A, M.R.S.A. §5205(6)(B)
20-A, M.R.S.A. §5205(6)(C)