

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1935



ENROLLED

HOUSE BILL No. 169

(By Mr. _____)



PASSED March 5 1935

In Effect 90 days from Passage

169

ENROLLED
House Bill No. 169

[Passed March 8, 1935; in effect ninety days from passage.]

AN ACT to amend section sixteen, article five, chapter eight, acts of the Legislature of West Virginia, first extraordinary session, one thousand nine hundred thirty-three, relating to the establishment of the county unit plan of school organization; providing that the boards of education may not be compelled to pay tuition to the boards of education of adjoining counties for the transfer of pupils where a first class high school or elementary school is maintained accessible to the pupils, except upon the order of the board of education.

Be it enacted by the Legislature of West Virginia:

That section sixteen, article five, chapter eight, acts of the Legislature of West Virginia, first extraordinary session, one thousand nine hundred thirty-three, be amended and reenacted to read as follows:

ARTICLE V.

Section 16. The board may divide its territory into such
2 sub-districts as are necessary to determine the schools the
3 pupils of its district shall attend. But upon the written request
4 of any parent or guardian, or person legally responsible for
5 any pupil, or for reasons affecting the best interests of the
6 schools, the superintendent may transfer pupils from one
7 school to another within the district. Any aggrieved person
8 may appeal the decision of the superintendent to the board,
9 and the decision of the board shall be final.

10 Transfers of pupils from one county to another may be made
11 by the board of the county in which the pupil desiring to be
12 transferred resides; but the transfer shall be subject to the
13 approval of the board of the county to which the pupil wishes
14 to be transferred, except such approval shall not be a condition
15 precedent to the transfer of a pupil resident in a municipality
16 comprised of parts of two or more counties in this state, or
17 resident in an independent school district as the same existed
18 prior to the date the county unit act became effective, made up
19 of parts of two or more counties and whether or not within its
20 limits now defined is located a municipality or part thereof,

21 but until otherwise provided by the board of the unit of his
22 residence, such pupil shall be considered and treated as trans-
23 ferred, as the case or the situation may be, with the right
24 unimpaired to attend the school or schools now established and
25 maintained (if not discontinued) in such municipality and/or
26 independent school district. Such transfer by operation of law
27 shall cease, when; (a), the board of the unit comprising a part
28 of the municipality or independent school district, has erected
29 or does establish and maintain therein a school or schools of the
30 grade or grades and standing, respectively, equivalent to the
31 school or schools in adjoining unit which the pupil coming
32 within the exception above mentioned is given the right to
33 attend; or (b), in the discretion of the board it can transport
34 economically the pupils coming within the exception aforesaid
35 to some school or schools established and maintained in the
36 jurisdiction of the unit of the pupils' residence, and elects to
37 so do. The existence of the fact under (a) aforesaid shall be
38 declared by the board and entered of record in its minutes, as
39 well as the entry of the exercise of its discretion and election
40 under the provisions (b) aforesaid, and a copy of the minutes
41 of the board relating to its declaration and/or discretion and

42 election as aforesaid, as the case may be, duly certified by the
43 signature of the president and the secretary of said board, shall
44 be furnished forthwith to the board of the unit comprising the
45 other part of said municipality or independent school district.
46 In all cases of transfer by the act of the board or by operation
47 of law, either to elementary schools or to high schools, the
48 board making the transfer shall pay to the board to which such
49 transfer is made, reasonable tuition fees, which for elementary
50 schools shall not exceed two and one-half dollars a month, and
51 for junior and senior high schools shall not exceed ten dollars
52 a month. The fee, to be paid out of the teachers' fund, shall
53 not exceed the actual cost of the instruction. No parent,
54 guardian or person acting as parent or guardian shall be re-
55 quired to pay for the transfer or for the tuition of the pupil
56 after the transfer. The board of the district to which the pupil
57 has been transferred shall promptly, at the first of each month,
58 certify to the board of the district from which the pupil was
59 transferred the correct amount of all tuition fees due and pay-
60 able for the next preceding month. All tuition fees shall be
61 paid within thirty days of certification, to the district main-
62 taining the school by the district to which the fees are certified.

63 All tuition fees shall be paid out of the teachers' fund of the
64 one district to the teachers' fund of the other.

65 *Provided*, That in districts in which no high school is main-
66 tained for negro pupils and no provision for high school train-
67 ing for such pupil or pupils is otherwise provided for by said
68 districts, such board shall transfer said pupils to the high school
69 department of one of the state supported educational institu-
70 tions or similar other institution in which said pupils may be
71 trained. In which case said board of education shall pay to
72 such institution on proper requisition the sum of ten dollars per
73 month to be applied to the general expenses of said pupil at
74 such institution: *Provided further*, That in districts where
75 high schools are maintained, and because of the topography of
76 the district, or impassable roads, or other conditions preventing
77 practical transfer of pupils to high schools within the district,
78 the district shall provide financial assistance toward the general
79 expenses of said pupils, not to exceed ten dollars per month.

80 Transfer of pupils from this state to another shall be upon
81 such terms as shall be mutually agreed upon by the board of
82 the transferring district and the authorities of the school to

83 which the transfer is made, and shall be based upon the aggre-
84 gate per capita student cost of the preceding year, of the school
85 to which the transfer is made.

I certify that the foregoing act, having been presented to the Governor for his approval, and not having been returned by him to the House of the Legislature in which it originated within the time prescribed by the constitution of the state, has become a law without his approval.

This the 15th day of March,
1935.



SECRETARY OF STATE

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

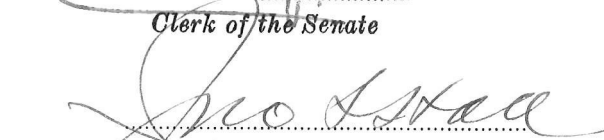

 Chairman Senate Committee

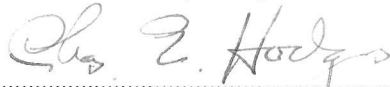

 Chairman House Committee


Originated in the House of Delegates

Takes effect 90 days from passage.


 Clerk of the Senate


 Clerk of the House of Delegates


 President of the Senate


 Speaker House of Delegates.

The within.....this the.....

day of....., 1935.

.....
 Governor.

Filed in the office of the Secretary of State
 of West Virginia. **MAR 15 1935**

Wm. S. O'BRIEN,
 Secretary of State