WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1947

ENROLLED

SENATE BILL No. 137

Originating in the Executive Committee
(By Mr. ____________________________)

PASSED ______________ March 3 __________ 1947

In Effect Ninety days from Passage
ENROLLED

Senate Bill No. 137

(Originating in the Interim Committee on Education)

[Passed March 3, 1947; in effect ninety days from passage.]

AN ACT to amend and reenact section sixteen, article five, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the transfer of pupils by county boards of education.

Be it enacted by the Legislature of West Virginia:

That section sixteen, article five, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Article 5. District Boards of Education.

Sec. 16. Transfer of Pupils; Tuition, Transportation and Maintenance.—The board may divide its territory into such sub-districts as are necessary to determine the schools the pupils of its district shall attend. But upon the written request of any parent or guardian, or person legally responsible for any pupil, or for reasons affecting the best
interests of the schools, the superintendent may transfer pupils from one school to another within the district. Any aggrieved person may appeal the decision of the superintendent to the board, and the decision of the board shall be final.

Transfers of pupils from one county to another may be made by the board of the county in which the pupil desiring to be transferred resides; but the transfer shall be subject to the approval of the board of the county to which the pupil wishes to be transferred, except such approval shall not be a condition precedent to the transfer of a pupil resident in a municipality comprised of parts of two or more counties in this state, or resident in an independent school district as the same existed prior to the date the county unit act became effective, made up of parts of two or more counties and whether or not within its limits now defined is located a municipality or part thereof, but until otherwise provided by the board of the unit of his residence, such pupil shall be considered and treated as transferred, as the case or the situation may be, with the right unimpaired to attend the school or schools now
established and maintained (if not discontinued) in such
municipality and/or independent school district. Such
transfer by operation of law shall cease, when: (a), the
board of the unit comprising a part of the municipality or
independent school district, has erected or does establish
and maintain therein a school or schools of the grade or
grades and standing, respectively, equivalent to the school
or schools in adjoining unit which the pupil coming within
the exceptions above mentioned is given the right to
attend; or (b), in the discretion of the board it can trans-
port economically the pupils coming within the exception
aforesaid to some school or schools established and main-
tained in the jurisdiction of the unit of the pupils' resi-
dence and elects to so do. The existence of the fact under
(a) aforesaid shall be declared by the board and entered
of record in its minutes, as well as the entry of the exer-
cise of its discretion and election under the provisions
(b) aforesaid, and a copy of the minutes of the board
relating to its declaration and/or discretion and election
as aforesaid, as the case may be, duly certified by the
signature of the president and the secretary of said board,
shall be furnished forthwith to the board of the unit comprising the other part of said municipality or independent school district. In all cases of transfer by the act of the board or by operation of law, either to elementary schools or to high schools, the board making the transfer shall pay to the board to which such transfer is made, reasonable tuition fees, which for elementary schools shall not exceed two and one-half dollars a month, and for junior and senior high schools shall not exceed ten dollars a month. The fee, to be paid out of the teachers fund, shall not exceed the actual cost of the instruction. No parent, guardian or person acting as parent or guardian shall be required to pay for the transfer or for the tuition of the pupil after the transfer. The board of the district to which the pupil has been transferred shall promptly, at the first of each month, certify to the board of the district from which the pupil was transferred the correct amount of all tuition fees due and payable for the next preceding month. All tuition fees shall be paid within thirty days of certification, to the district maintaining the school by the district to which the fees are certified. All tuition
fees shall be paid out of the teachers' fund of the one
district to the teachers' fund of the other.

In any district where a high school is maintained, but
topography, impassable roads or other conditions prevent
the practicable transportation of any pupils to such high
school, the board may transfer them to a high school in
an adjoining district. In any such case, the board making
the transfer shall pay the cost of the transportation of
such pupils to and from the school to which they are
transferred, and shall also pay the tuition fees as pro-
vided above.

In any district where no high school for negro pupils
is maintained the board shall provide for the payment of
tuition fees, not to exceed ten dollars a month for each
pupil, necessary to permit the enrollment of all qualified
negro pupils in the nearest available negro high school,
negro vocational high school, or in the high school depart-
ment of a negro institution of higher education, and shall
also pay the cost of the daily transportation of the pupils
to such high school. If, however, the daily transportation
of such pupils is impracticable, necessitating their absence
from home overnight, the board shall pay in addition to
the tuition fees a maintenance allowance of at least thirty
dollars a month to each such pupil, and daily transporta-
tion involving a round trip of more than fifty miles shall
at the election of the pupil be considered impracticable for
the purposes of this requirement.
Transfer of pupils from this state to another shall be
upon such terms as shall be mutually agreed upon by
the board of the transferring district and the authorities
of the school to which the transfer is made, and shall be
based upon the aggregate per capita student cost of the
preceding year, of the school to which the transfer is
made.
For the purposes of computing average daily attend-
ance any pupil transferred as provided in this section
shall be counted by the district making the transfer and
not by the district to which he was transferred.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originated in the Senate

Takes effect ninety days from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within approved this the 7th day of March, 1947.

[Signature]
Governor