

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1947



ENROLLED

SENATE BILL No. 137

Originating in the Interior Committee

(By Mr. _____)



PASSED March 3, 1947

In Effect ninety days from Passage



137

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*
2 *Maintenance.*—The board may divide its territory into
3 such sub-districts as are necessary to determine the schools
4 the pupils of its district shall attend. But upon the written
5 request of any parent or guardian, or person legally re-
6 sponsible for any pupil, or for reasons affecting the best

7 interests of the schools, the superintendent may transfer
8 pupils from one school to another within the district. Any
9 aggrieved person may appeal the decision of the superin-
10 tendent to the board, and the decision of the board shall
11 be final.

12 Transfers of pupils from one county to another may
13 be made by the board of the county in which the pupil
14 desiring to be transferred resides; but the transfer shall
15 be subject to the approval of the board of the county to
16 which the pupil wishes to be transferred, except such
17 approval shall not be a condition precedent to the trans-
18 fer of a pupil resident in a municipality comprised of parts
19 of two or more counties in this state, or resident in an in-
20 dependent school district as the same existed prior to the
21 date the county unit act became effective, made up of parts
22 of two or more counties and whether or not within its
23 limits now defined is located a municipality or part there-
24 of, but until otherwise provided by the board of the unit
25 of his residence, such pupil shall be considered and treated
26 as transferred, as the case or the situation may be, with
27 the right unimpaired to attend the school or schools now

28 established and maintained (if not discontinued) in such
29 municipality and/or independent school district. Such
30 transfer by operation of law shall cease, when: (a), the
31 board of the unit comprising a part of the municipality or
32 independent school district, has erected or does establish
33 and maintain therein a school or schools of the grade or
34 grades and standing, respectively, equivalent to the school
35 or schools in adjoining unit which the pupil coming with-
36 in the exceptions above mentioned is given the right to
37 attend; or (b), in the discretion of the board it can trans-
38 port economically the pupils coming within the exception
39 aforesaid to some school or schools established and main-
40 tained in the jurisdiction of the unit of the pupils' resi-
41 dence and elects to so do. The existence of the fact under
42 (a) aforesaid shall be declared by the board and entered
43 of record in its minutes, as well as the entry of the exer-
44 cise of its discretion and election under the provisions
45 (b) aforesaid, and a copy of the minutes of the board
46 relating to its declaration and/or discretion and election
47 as aforesaid, as the case may be, duly certified by the
48 signature of the president and the secretary of said board,

49 shall be furnished forthwith to the board of the unit com-
50 prising the other part of said municipality or independent
51 school district. In all cases of transfer by the act of the
52 board or by operation of law, either to elementary schools
53 or to high schools, the board making the transfer shall
54 pay to the board to which such transfer is made, reason-
55 able tuition fees, which for elementary schools shall not
56 exceed two and one-half dollars a month, and for junior
57 and senior high schools shall not exceed ten dollars a
58 month. The fee, to be paid out of the teachers fund, shall
59 not exceed the actual cost of the instruction. No parent,
60 guardian or person acting as parent or guardian shall be
61 required to pay for the transfer or for the tuition of the
62 pupil after the transfer. The board of the district to which
63 the pupil has been transferred shall promptly, at the first
64 of each month, certify to the board of the district from
65 which the pupil was transferred the correct amount of all
66 tuition fees due and payable for the next preceding
67 month. All tuition fees shall be paid within thirty days
68 of certification, to the district maintaining the school by
69 the district to which the fees are certified. All tuition

70 fees shall be paid out of the teachers' fund of the one
71 district to the teachers' fund of the other.

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

81 In any district where no high school for negro pupils
82 is maintained the board shall provide for the payment of
83 tuition fees, not to exceed ten dollars a month for each
84 pupil, necessary to permit the enrollment of all qualified
85 negro pupils in the nearest available negro high school,
86 negro vocational high school, or in the high school depart-
87 ment of a negro institution of higher education, and shall
88 also pay the cost of the daily transportation of the pupils
89 to such high school. If, however, the daily transportation
90 of such pupils is impracticable, necessitating their absence

91 from home overnight, the board shall pay in addition to
92 the tuition fees a maintenance allowance of at least thirty
93 dollars a month to each such pupil, and daily transporta-
94 tion involving a round trip of more than fifty miles shall
95 at the election of the pupil be considered impracticable for
96 the purposes of this requirement.

97 Transfer of pupils from this state to another shall be
98 upon such terms as shall be mutually agreed upon by
99 the board of the transferring district and the authorities
100 of the school to which the transfer is made, and shall be
101 based upon the aggregate per capita student cost of the
102 preceding year, of the school to which the transfer is
103 made.

104 For the purposes of computing average daily attend-
105 ance any pupil transferred as provided in this section
106 shall be counted by the district making the transfer and
107 not by the district to which he was transferred.

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

Forest McKeen

Chairman Senate Committee

C. L. Matthews

Chairman House Committee

Originated in the Senate

Takes effect ninety days from passage.

Howard Meyer
Clerk of the Senate

Joseph
Clerk of the House of Delegates

Donald M. Tucker
President of the Senate

John E. Amos
Speaker House of Delegates

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

Clarence Medson
Governor.



Filed in the Office of the Secretary of State
of West Virginia

MAR 8 1947
WM. S. O'Brien,
SECRETARY OF STATE