WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1949

ENROLLED

SENATE BILL No. 102

(By Mr. [Signature])

PASSED February 23, 1949

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 transfer of pupils; tuition; transportation and maintenance.

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:

Section 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 de-
siring 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 trans-
fer 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 munici-
pality 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 transport economically the pupils coming within the exception aforesaid to some school or schools established and maintained in the jurisdiction of the unit of the pupils' residence 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 exercise 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 twelve dollars a month, and for junior and senior high schools shall not exceed fifteen 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 provided 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 fifteen 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 department of a negro institution of higher edu-
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90 cation, and shall also pay the cost of the daily trans-
91 portation of the pupils to such high school. If, however,
92 the daily transportation of such pupils is impracticable,
93 necessitating their absence from home overnight, the
94 board shall pay in addition to the tuition fees a mainte-
95 nance allowance of at least thirty dollars a month to
96 each such pupil. Daily transportation involving a round
97 trip of more than fifty miles shall at the election of the
98 pupil be considered impracticable for the purpose of this
99 requirement.

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

107 For the purpose of computing average daily attend-
108 ance any pupil transferred as provided in this section
109 shall be counted by the district making the transfer and
110 not by the district to which he was transferred.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

Takes effect Ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 26th day of February, 1949.

Governor.