

No. 2079

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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1984



ENROLLED

HOUSE BILL No. 2079

(By MF. *Del. Satter + Del. Sargent*)



Passed *March 10,* 1984

In Effect *Ninety Days From* Passage



ENROLLED

H. B. 2079

(By DELEGATE SATTES and DELEGATE SERGENT)

[Passed March 10, 1984; in effect ninety days from passage.]

AN ACT to amend article five, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section sixteen-b, relating to district transfer of pupils; mandating the transfer of pupils in certain limited circumstances; providing for the payment of state and county funds in the event of such transfer; and providing a date for the termination of the provisions of the bill.

Be it enacted by the Legislature of West Virginia:

That article five, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section sixteen-b, to read as follows:

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-16b. Mandatory transfer of pupils from one district to another district upon parental request.

1 Notwithstanding the provisions of section sixteen-a of this
2 article, upon the written request of the custodial parent or
3 parents or the guardian or person legally responsible for a
4 pupil within a school district who resides (1) within one
5 mile of any adjoining district in which the net enrollment
6 exceeds twenty-five thousand pupils, (2) more than ten miles,
7 via travel routes upon state roads or highways used by

8 boards of education for the transportation of pupils, from
9 the nearest school facility which said pupil has the right
10 to attend in the home district of such pupil, and (3) closer
11 in proximity, via travel routes upon state roads or highways
12 used by boards of education for the transportation of pupils,
13 to a school facility in which said pupil is qualified academical-
14 ly to attend in the said adjoining district than the school
15 facility in the home district, the board of education of that
16 school district shall transfer such pupil to the adjoining
17 school district and the transferee school district shall accept
18 and enroll the transferring pupil and include such pupil in its
19 net enrollment in accordance with article nine-a of this
20 chapter.

21 Whenever a pupil is so transferred from one school district
22 to another district, the board of education of the school
23 district in which the pupil is a bona fide resident shall pay
24 to the board of education of the school district to which the
25 pupil is transferred a tuition that is agreed upon by both
26 such boards. Tuition for each pupil, when the transferor
27 board of education and the transferee board of education
28 cannot agree upon a tuition fee, shall be equal to the differ-
29 ence between the state aid per pupil received by the county
30 to which the pupil is transferred and the county cost per
31 pupil in the county to which said pupil is transferred.

32 The provisions of this section shall expire on the first day
33 of January, one thousand nine hundred ninety-five.

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

James R. Davis

Chairman Senate Committee

Donald Anello

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Judd C. Mills

Clerk of the Senate

Donald L. Hooper

Clerk of the House of Delegates

Walter P. McCreary

President of the Senate

Walter M. Lee, Jr.

Speaker House of Delegates

The within *is approved* this the *30*
day of *March*, 1984.

John A. Dwyer

Governor

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SECY. OF STATE