WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1984

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ENROLLED

HOUSE BILL No. 2079

(By Mr. Del. Satter + Del. Sergeant)

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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 article, upon the written request of the custodial parent or parents or the guardian or person legally responsible for a pupil within a school district who resides (1) within one mile of any adjoining district in which the net enrollment exceeds twenty-five thousand pupils, (2) more than ten miles, via travel routes upon state roads or highways used by
boards of education for the transportation of pupils, from the nearest school facility which said pupil has the right to attend in the home district of such pupil, and (3) closer in proximity, via travel routes upon state roads or highways used by boards of education for the transportation of pupils, to a school facility in which said pupil is qualified academically to attend in the said adjoining district than the school facility in the home district, the board of education of that school district shall transfer such pupil to the adjoining school district and the transferee school district shall accept and enroll the transferring pupil and include such pupil in its net enrollment in accordance with article nine-a of this chapter.

Whenever a pupil is so transferred from one school district to another district, the board of education of the school district in which the pupil is a bona fide resident shall pay to the board of education of the school district to which the pupil is transferred a tuition that is agreed upon by both such boards. Tuition for each pupil, when the transferor board of education and the transferee board of education cannot agree upon a tuition fee, shall be equal to the difference between the state aid per pupil received by the county to which the pupil is transferred and the county cost per pupil in the county to which said pupil is transferred.

The provisions of this section shall expire on the first day of January, one thousand nine hundred ninety-five.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James Davis
Chairman Senate Committee

Donald Anello
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Jeff C. Mullen
Clerk of the Senate

Donald L. Fagg
Clerk of the House of Delegates

Wanda R. Witorsch
President of the Senate

Speaker House of Delegates

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

Governor