

No: 1437 ✓

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1985

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

1985 MAY -3 AM 10:44

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# ENROLLED

Com. Sub. for  
HOUSE BILL No. 1437

(By Mr. Del. Hamilton + Del. Louissos)

Passed April 13, 1985

In Effect 90 Days From Passage

**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR

**H. B. 1437**

(By DELEGATE HAMILTON AND DELEGATE LOUISOS)

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[Passed April 13, 1985; in effect ninety days from passage.]

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AN ACT to amend and reenact section sixteen-a, article five, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the transfer of pupils from one school district to another; requiring official board action prior to such transfer; and providing for the mandatory transfer of pupils in certain instances.

*Be it enacted by the Legislature of West Virginia:*

That section sixteen-a, 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. COUNTY BOARD OF EDUCATION.**

**§18-5-16a. Authorization to transfer pupils from one district to another; mandatory transfer; payment of tuition; net enrollment.**

1     Whenever, in the opinion of the board of education of any  
2     county, the education and welfare of a pupil will be enhanced,  
3     the board of education of such county shall have the authority  
4     to transfer any such pupil or pupils on a part-time or full-  
5     time basis from one school district to another school district  
6     within the state: *Provided*, That the boards of education of  
7     both the transferor and the transferee districts agree to the

8 same by official action of both boards as reflected in the  
9 minutes of their respective meetings.

10 Any pupil attending a school in a district of this state  
11 adjacent to the district of residence during the school year one  
12 thousand nine hundred eighty-four—eighty-five, is authorized  
13 to continue such attendance in the adjacent district, and, upon  
14 written request therefor by the parent or guardian, any person  
15 who is entitled to attend the public schools of this state and  
16 who resides in the same household and is a member of the  
17 immediate family of such pupil is authorized to enroll in such  
18 adjacent district. The transferor and transferee school districts  
19 shall effectuate any transfer herein authorized in accordance  
20 with the provisions of this section.

21 Whenever a pupil is transferred from one school district to  
22 another district on a full-time or part-time basis, the board  
23 of education of the school district in which the pupil is a bona  
24 fide resident shall pay to the board of education of the school  
25 district to which the pupil is transferred a tuition that is agreed  
26 upon by both such boards. Tuition for each full-time pupil  
27 shall not exceed the difference between the state aid per pupil  
28 received by the county to which the pupil is transferred and  
29 the county cost per pupil in the county to which said pupil  
30 is transferred.

31 For purposes of net enrollment as defined in section two,  
32 article nine-a of this chapter: (1) Whenever a pupil is  
33 transferred on a full-time basis from one school district to  
34 another district pursuant to the provisions of this section, the  
35 county to which the pupil is transferred shall include such  
36 pupil in its net enrollment; and (2) whenever a pupil is  
37 transferred on a part-time basis from one school district to  
38 another school district pursuant to the provisions of this  
39 section, the county in which the student is a bona fide resident  
40 shall count the pupil in its net enrollment.

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

*Harold E. Adams*  
Chairman Senate Committee

*Floyd Fuller*  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

*Jodd C. Nichols*  
Clerk of the Senate

*Donald S. Kapp*  
Clerk of the House of Delegates

*Don Tamburini*  
President of the Senate

*Joseph P. Allright*  
Speaker of the House of Delegates

The within *approved* this the *2<sup>nd</sup>*  
day of *May*, 1985.

*Mark A. Prasse Jr.*  
Governor



PRESENTED TO THE

GOVERNOR

Date

4/19/85

Time

8:25 p.m.