

Title 126  
Legislative Rule  
West Virginia Board of Education  
Chapter 18-5  
Series 4333

Title: Education of Children Living More Than Two Miles From School or Nearest Bus Route

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Section 1. General

1.1 Scope - The compulsory school law shall be construed to apply to children more than two miles distant from school or bus route.

1.2 Authority & Related Code Citation(s) - W. Va. Code 18-5-13(6);  
18-2-5

1.3 Filing Date - December 23, 1982

1.4 Effective Date - December 23, 1982

Section 2. Resolution

2.1 WHEREAS, a recent survey conducted by the State Department of Education reveals that several hundred children of elementary school age residing more than two miles distance from the nearest school or bus route are not enrolled in school; and

2.2 WHEREAS, the Legislature of West Virginia, 1945, enacted into a law a provision requiring county boards of education to expend for each child an amount not to exceed the proportion of all school funds of the district that each child would be entitled to receive; and

2.3 WHEREAS, the law provides that the expenditure of funds under this section by county boards of education shall be under the rules and regulations of the State Board of Education;

2.4 Therefore, BE IT RESOLVED, that the State Board of Education, by motion duly made and seconded, does hereby establish the following rules and regulations:

Section 3. Rules and Regulations

3.1 That this mandatory provision shall apply to elementary children of compulsory school age living more than two miles distance from the nearest school or bus route;

3.2 That this regulation is interpreted to set up a minimum, not a maximum;

3.3 The county board of education shall, prior to making the annual budget, determine the number of children living more than two miles from the nearest school or bus route not attending any school, and shall in making the budget, include the necessary funds for providing the facilities required under this section;

3.4 That school facilities for children in sparsely settled communities shall be provided as follow:

1. that for any school sub-district having as many as ten elementary pupils of compulsory school age, county board shall maintain a full school term;
2. for any school sub-district having six to nine elementary pupils of compulsory school age, the Board shall provide facilities by any one of the following methods:
  - a. By maintaining a term of school for the length made possible by the amount of funds available;
  - b. By providing special classes by tutor or otherwise in home or other place approved by the county board, such classes to provide instruction of not less than four hours a week (preferably on two non-consecutive days) for a period of twenty-five weeks within a year. Adjustments for longer or shorter days or periods may be made where conditions make such changes desirable in the best interests of the children, but in no case shall the amount of money expended be less than the minimum provided by law;
  - c. By providing transportation facilities or payment of funds in lieu of transportation.

3.5 That teachers employed for special classes and for short terms shall hold regular teaching certificates issued by the State Superintendent;

3.6 Children enrolled in the special classes and in the short term schools shall be provided free textbooks and instructional material comparable to the material provided children in the regular schools;

3.7 Special Classes and shorter terms may be provided and conducted at such time, within the year, as is considered most suitable to conditions prevailing in the particular locality;

3.8 That the minimum amount of money to be expended for each school child more than two miles distant from nearest school or bus route shall be determined by dividing the total amount of money, including county and state funds available for the current year, by the number of children within the county, ages six to seventeen inclusive;

3.9 That the provisions of the compulsory school law shall be construed to apply to children more than two miles distant from school or bus route when special classes or short term schools are provided within two miles of their home.