

**EXECUTIVE SUMMARY
WEST VIRGINIA DEPARTMENT OF EDUCATION**

POLICY NUMBER AND TITLE: Policy 7212
Intercounty Student Transfer Appeal

PUBLIC COMMENT PERIOD ENDS: October 22, 1999 **ADOPTED:** _____

Policy 7212 provides a process for the appeal of a denial by a county board of education of a transfer of a student who resides in one county and proposes to attend school in a different county.

Section 3.8 of the policy has provided in the past that parents requesting such a transfer shall bear all transportation costs associated with the transfer.

The proposed change to the policy deals only with Section 3.8, and provides that transportation costs for such a transfer remain with the parents requesting the transfer unless the county boards of education involved have initiated and approved the plan for transferring (the) student(s). In that case, the revised policy requires that the county boards must determine the method of transportation and provide coverage for the costs of student transportation.

1886dav/19a

126CSR189

SEP 14 3 23 PM '99

**TITLE 126
INTERPRETIVE RULE
BOARD OF EDUCATION**

OFFICE OF THE
SECRETARY
STATE BOARD OF EDUCATION

**SERIES 189
INTERCOUNTY STUDENT TRANSFER APPEAL
(Policy 7212)**

§126-189-1. General.

1.1. Scope. --

1.2. Authority. -- W.Va. Constitution, Article XII, Section 2; W.Va. Code §§18-2-5, 18-3-3, 18-3-4, 18-3-10 and 18-5-13.

1.3. Filing Date. -- ~~August 25, 1992~~

1.4. Effective Date. -- ~~September 26, 1992~~

§126-189-2. Application.

2.1. This legislative rule applies to every county board of education and to every student attending public school within West Virginia.

§126-189-3. Rules.

3.1. Any student whose application for transfer from one county to another has been denied by either the sending or receiving county may file an appeal with the State Superintendent of Schools, who shall have the authority to require the county board to approve the transfer.

3.2. The State Superintendent must receive the appeal within thirty (30) days of the county board of education denial of the transfer request.

3.3. Hearings on requests for waivers will be generally conducted in conformity with the procedures set forth in State Board of Education Policy 1340.

3.4. The parents of the student must demonstrate to the satisfaction of the State Superintendent that the proposed transfer is based upon sound educational grounds and is in the best interests of the student.

126CSR189

3.5. The State Superintendent shall issue a decision regarding a transfer request within thirty (30) days following the hearing, except that for good cause shown the Superintendent may extend the deadline.

3.6. A decision issued by the State Superintendent shall be final.

3.7. Any transfer approved by the State Superintendent shall remain in effect until and unless the parents make proper application to both the sending and receiving county boards of education to revoke the transfer prior to January 1 for the following school year.

~~3.8. Parents requesting the transfer shall bear all transportation costs associated with the transfer. A county board of education is not responsible for transportation costs for students who attend school in a county other than that of their residence, even though the county board has approved the attendance in another county, unless the county board itself has initiated a plan to have the students attend school in a county other than their residence. In an instance where the plan has been initiated by one or more county boards of education, the sending and receiving counties, where both have agreed to the transfer, must determine the method of, and provide coverage for the costs of, transportation to the other county.~~

3.9. County school buses may provide transportation to students across county boundaries and may pick up students in one county for attendance in the schools of another county.

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FISCAL NOTE WORKSHEET
(Submit 4 Copies)

HD NO _____ DRAFT NO _____ BILL NO _____ RESOLUTION NO _____

SUBJECT Policy 7212 Intercounty Student Transfer Appeal FUND _____

SOURCE OF REVENUE: GENERAL FUND SPECIAL OTHER (SPECIFY) _____

COST OF ESTIMATE BASED ON: AN ORIGINAL ESTIMATE BUDGET BILL OTHER (SPECIFY) _____

INCOME ESTIMATE BASED ON: AN ORIGINAL ESTIMATE BUDGET BILL OTHER (SPECIFY) _____

SHOW OVER-ALL EFFECT IN ITEMS 1 AND 2 & GIVE EXPLANATION OF BREAKDOWN BY FISCAL YEAR INCLUDING LONG-RANGE EFFECT

EFFECT OF PROPOSAL	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
1. ESTIMATED TOTAL COST	\$ - 0 -	\$ - 0 -	\$ - 0 -	\$ - 0 -	\$ - 0 -
PERSONAL SERVICES CURRENT EXPENSES REPAIRS/ALTERATIONS EQUIPMENT OTHER	\$	\$	\$	\$	\$
2. ESTIMATED TOTAL REVENUES	\$ - 0 -	\$ - 0 -	\$ - 0 -	\$ - 0 -	\$ - 0 -

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

DATE

AGENCY

AUTHORIZED REPRESENTATIVE

August 9, 1999

West Virginia Department of Education



