

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #2

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1992 JUN 15 PM 2:34

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia Board of Education TITLE NUMBER: 126
WV Code 18-2-5, 18-3-3, 18-3-4
RULE TYPE: Legislative; CITE AUTHORITY 18-3-10, and 18-5-13
AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 189 (Policy 7212)
~~190~~

TITLE OF RULE BEING PROPOSED: INTERCOUNTY STUDENT TRANSFER APPEAL

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON July 16, 1992 AT 4:45 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

Mr. Basil Legg, Attorney
West Virginia Dept. of Education
Room B-362, Bldg. #6
Capitol Complex
Charleston, WV 25305

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

Barbara L. Estep
June 15, 1992

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

LEGISLATIVE RULE
WEST VIRGINIA BOARD OF EDUCATION
CHAPTER 18
SERIES ~~100~~¹³⁹(Policy 7212)
Emergency Policy

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Title: INTERCOUNTY STUDENT TRANSFER APPEAL

Section 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, 18-5-13
- 1.3 Filing Date - June 15, 1992
- 1.4 Effective Date - June 15, 1992

Section 2. Application

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

Section 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.

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.

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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