

WEST VIRGINIA  
SECRETARY OF STATE  
KEN HECHLER  
ADMINISTRATIVE LAW DIVISION

Form #7

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FILED  
1992 JUN 15 PM 2:34  
OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

NOTICE OF AN EMERGENCY RULE

AGENCY: West Virginia Board of Education TITLE NUMBER: 126

CITE AUTHORITY: WV Code 18-2-5, 18-3-3, 18-3-4, 18-3-10, and 18-5-13

EMERGENCY 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 RULE BEING FILED AS AN EMERGENCY: 189 ~~290~~ (Policy 7212)

TITLE OF RULE BEING FILED AS AN EMERGENCY: INTERCOUNTY STUDENT TRANSFER  
APPEAL

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE UPON FILING.

THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

This policy must be filed as an emergency rule in order that the student(s) wishing to transfer will have sufficient time in which to appeal so that the decisions can be made before the 1992 fall semester.

Use Additional Sheets If Necessary.

*Barbara L. Estep*  
June 15, 1992

LEGISLATIVE RULE  
WEST VIRGINIA BOARD OF EDUCATION  
CHAPTER 18  
SERIES 190(Policy 7212)

Emergency Policy

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STATE OF WEST VIRGINIA  
OFFICE OF THE SECRETARY OF STATE

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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