

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #5

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1992 AUG 27 11 3 29

STATE OF WEST VIRGINIA
OFFICE OF THE SECRETARY OF STATE

NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW

AGENCY: West Virginia Board of Education TITLE NUMBER: 126

CITE AUTHORITY: WV Constitution, Article XII, Section 2
WV Code 18-2-5, 18-3-3, 18-3-4, 18-3-10, 18-5-13

RULE TYPE: PROCEDURAL _____ INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE X

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

AMENDMENT TO AN EXISTING RULE: YES _____, NO X Filed as an Emergency Rule 6-15-92

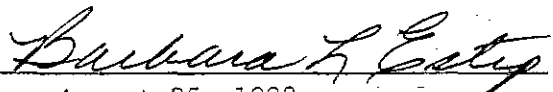
IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING ADOPTED: 189 (Policy 7212)

TITLE OF RULE BEING ADOPTED: Intercounty Student Transfer Appeal

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS September 26, 1992


August 25, 1992

FISCAL NOTE WORKSHEET

(Submit 4 copies)

NO NO _____ DRAFT NO _____ BILL NO. _____ RESOLUTION NO. _____

SUBJECT Policy 7212-Intercounty Student Transfer Appeal

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

COST 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. AND IN ITEM 3 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 AND 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

EXECUTIVE SUMMARY

INTERCOUNTY STUDENT TRANSFER APPEAL POLICY 7212

PURPOSE

The purpose of this policy is to provide a system of appeal for parents of students whose request for an intercounty transfer to attend school in a county not of their residence has been denied by either the sending or receiving county.

BACKGROUND

The West Virginia Board of Education, on June 12, 1992, under emergency authority, passed Policy 7212. This is designed to address the growing concern of county boards of education and administrators denying parents of requests, properly made, for their child to attend school in a West Virginia county other than their own county of residence.

The state board, believing strongly that parents should have a voice in deciding which school their child attends, passed Policy 7212. This will provide parents of students the right to appeal to the State Superintendent of Schools in the event the request for transfer of their child to a school in another county is denied either by the sending or receiving county.

Policy 7212 provides guidelines which require the following:

1. An appeal within thirty (30) days of a county board of education's denial of a request for intercounty transfer.
2. Hearings will be held in the State Superintendent's office according to state Board of Education Policy 1340.
3. Parents must demonstrate that the proposed transfer is based upon sound educational grounds.
4. A decision shall be issued by the State Superintendent within thirty (30) days following the hearing.
5. The decision issued by the State Superintendent shall be final.
6. Transfers approved by the State Superintendent shall remain in effect from school year to school year unless application to change is made by the parents of the student prior to January for the following school year.
7. Parents shall bear transportation costs associated with the transfer.
8. School buses may provide transportation to students from other counties and cross county boundaries to pick up students in another county.

LEGISLATIVE RULE
WEST VIRGINIA BOARD OF EDUCATION
CHAPTER 18
SERIES 189 (Policy 7212)

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WEST VIRGINIA
STATE OFFICE

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

5022e:122e/jbt
6-15-92

West Virginia Department of Education

IMPACT STATEMENT FOR

Policy 7212: Intercounty Student Transfer Appeal

INSTRUCTION

Parents may desire that their child attend a school outside their county residence for educational reasons. Curriculum offerings and programs may be more desirable or more adaptable to a particular student in another county. This policy, concerning intercounty student transfer appeals, provides students an opportunity to attend a school which they feel better meets their educational needs.

LEADERSHIP

This policy provides for the State Superintendent of Schools to hear appeals of students whose transfer request has been denied by either the sending or receiving county. The decision of the State Superintendent in these appeals will focus on the educational welfare of the student.

STAFF DEVELOPMENT

No personnel development activities would be needed. The hearings will be generally conducted in conformity with state Board of Education Policy 1340.

ADMINISTRATION

The Office of School Transportation and Facilities will be the primary contact for county personnel and parents who may have questions concerning this policy. Parents who file an appeal shall do so with the Office of Legal Services, State Superintendent of Schools.

M E M O R A N D U M

TO: Henry Marockie
FROM: Cecil Dolin *CCD*
SUBJECT: Intercounty Student Transfer Survey
DATE: August 3, 1992

As per your request, the Office of School Transportation and Facilities conducted a survey of the 55 county school districts to obtain information regarding students who attend school outside the county of their residence.

All 55 counties have responded. The attached information shows the number of students involved, the county from which the student transferred, and the transportation provider.

CCD:jj

Attachment

2459r

INTERCOUNTY TRANSFER SURVEY RESPONSES

ATTENDING COUNTY	NUMBER OF STUDENTS	SENDING COUNTY	TRANSPORTATION PROVIDER
BARBOUR	1	RANDOLPH	SELF
	total 1		
BERKELEY	5	JEFFERSON	SELF
	3	MORGAN	SELF
	total 8		
BOONE	6	KANAWHA	SELF
	20	LOGAN	SELF
	8	RALEIGH	SELF
	1	WYOMING	SELF
	total 35		
BROOKE	19	HANCOCK	SELF (11)
	2	OHIO	BROOKE (8)
	total 21		SELF
BRAXTON	2	CLAY	BRAXTON
	2	WEBSTER	BRAXTON
	2	LEWIS	BRAXTON
	3	GILMER	BRAXTON
	1	NICHOLAS	BRAXTON
	total 10		
CABELL	24	WAYNE	SELF
	27	PUTNAM	SELF
	2	LINCOLN	SELF
	1	MASON	SELF
	total 54		
CALHOUN	3	BRAXTON	SELF
	5	GILMER	CALHOUN
	1	RITCHIE	SELF
	6	WIRT	SELF
	total 15		
CLAY	2	KANAWHA	SELF
	2	ROANE	CLAY
	2	NICHOLAS	SELF
	3	CALHOUN	CLAY
	total 9		

DODDRIDGE 8
 1
 total 9

FAYETTE 31
 55
 45
 5
 total 136

GRANT 1
 1
 8
 total 10

GILMER 4
 total 4

GREENBRIER 183
 10
 2
 total 195

HAMPSHIRE 1
 total 1

HANCOCK 7
 total 7

HARDY 12
 1
 total 13

HARRISON 52
 8
 5
 10
 total 75

HARRISON DODDRIDGE (6)
 SELF (2)
 RITCHIE SELF

NICHOLAS SELF
 KANAWHA SELF
 SUMMERS SELF
 RALEIGH SELF

HAMPSHIRE SELF
 PENDLETON SELF
 HARDY GRANT (7)
 SELF (1)

RITCHIE GILMER

MONROE SELF (46)
 MONROE (137)
 SUMMERS SELF
 FAYETTE SELF

MINERAL SELF

BROCKE SELF

HAMPSHIRE HARDY
 GRANT HARDY

TAYLOR HARRISON
 MARION HARRISON
 DODDRIDGE HARRISON
 LEWIS HARRISON

JACKSON 3
 26
 3
 5
 total 37

JEFFERSON 11
 total 11

KANAWHA 2
 12
 4
 3
 25
 1
 86
 43
 total 176

LEWIS 26
 3
 9
 1
 total 39

LINCOLN 4
 6
 5
 3
 8
 total 26

LOGAN 12
 1
 2
 total 15

MARION 6
 2
 4
 total 12

KANAWHA SELF (2)
 KANAWHA (1)
 MASON SELF (19)
 MASON (7)
 PUTNAM SELF (2)
 PUTNAM (1)
 ROANE SELF (2)
 ROANE (3)

BERKELEY SELF (11)

BOONE * Kanawha Co.
 CLAY allows out of
 FAYETTE county students
 JACKSON to ride existing
 LINCOLN bus routes on a
 LOGAN space available
 PUTNAM basis.
 ROANE

HARRISON LEWIS (21)
 SELF (5)
 GILMER LEWIS
 BRAXTON LEWIS
 UPSHUR LEWIS

KANAWHA * OF 26 STUDENTS,
 BOONE 12 ARE TRANSPORTED
 CABELL BY HOME COUNTY, 10
 LOGAN BY LINCOLN COUNTY,
 PUTNAM AND 4 PROVIDE OWN
 TRANSPORTATION.

BOONE SELF
 MINGO SELF
 LINCOLN SELF

MONONGALIA MARION
 TAYLOR MARION
 HARRISON SELF

MASON 0
total 0

MERCER 13
10
2
9
total 34

MINERAL 2
total 2

MINGO 10
1
total 11

MONONGALIA 110
total 110

MONROE 6
3
2
total 11

MORGAN 58
total 58

MCDOWELL 0
total 0

NICHOLAS 10
30
8
5
total 53

OHIO 1
2
10
total 13

SUMMERS SELF
MCDOWELL SELF
WYOMING SELF
BLAND CO VA SELF

HAMPSHIRE SELF (1)
MINERAL (1)

LINCOLN SELF (1)
LINCOLN (9)
LOGAN SELF

PRESTON MONONGALIA (103)
SELF (7)

GREENBRIER SELF
GILES CO VA SELF
SUMMERS SELF

HAMPSHIRE SELF (6)
MORGAN (52)

WEBSTER NICHOLAS
CLAY NICHOLAS
FAYETTE SELF
GREENBRIER SELF

WETZEL SELF
BROOKE SELF
MARSHALL SELF

PENDLETON	0		
total	0		
PLEASANTS	2	TYLER	PLEASANTS
	5	WOOD	SELF
total	7		
POCAHONTAS	0		
total	0		
PRESTON	25	MONONGALIA	MONONGALIA
	13	BARBOUR	BARBOUR
	3	TUCKER	SELF
total	41		
PUTNAM	16	KANAWHA	SELF
	5	CABELL	PUTNAM
	3	MASON	PUTNAM
	1	LINCOLN	PUTNAM
total	25		
RALEIGH	3	BOONE	SELF
	2	FAYETTE	SELF
total	5		
RANDOLPH	1	UPSHUR	SELF
	1	TUCKER	SELF
	1	POCAHONTAS	RANDOLPH
total	3		
RITCHIE	2	PLEASANTS	SELF
	4	DODDRIDGE	RITCHIE
total	6		
ROANE	8	KANAWHA	SELF
	2	JACKSON	SELF
	1	WIRT	SELF
total	11		
SUMMERS	31	RALEIGH	SUMMERS
total	31		

TAYLOR 1
5
4
7
total 17

PRESTON SELF
MARION TAYLOR
HARRISON TAYLOR
BARBOUR TAYLOR

TUCKER 10
22
total 32

RANDOLPH TUCKER
PRESTON SELF

TYLER 2
1
total 3

WETZEL TYLER
PLEASANTS TYLER

UPSHUR 4
60
23
7
6
total 100

HARRISON UPSHUR
BARBOUR UPSHUR
LEWIS SELF (3)
RANDOLPH UPSHUR (20)
WEBSTER UPSHUR
UPSHUR

WAYNE 24
3
2
total 29

CABELL SELF
MINGO SELF
LINCOLN SELF

WEBSTER 8
1
total 9

NICHOLAS SELF (4)
RANDOLPH WEBSTER (4)
WEBSTER

WETZEL 80
1
total 81

TYLER WETZEL (28)
MONONGALIA SELF (52)
SELF

WIRT 10
4
4
2
10
5
total 35

WOOD WIRT
ROANE WIRT
CALHOUN WIRT
JACKSON WIRT
RITCHIE WIRT (10)
SELF (5)

WOOD . 2
total 2

WIRT

WOOD

WYOMING 28
4
4
total 36

MCDOWELL
MERCER
MINGO

WYOMING
WYOMING
WYOMING

NUMBER OF COUNTIES REPORTING - 55

NUMBER OF STUDENTS INVOLVED - 1684



KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

A. RENEE COE
Deputy Secretary of State

CATHERINE FREROTTE
Executive Assistant

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Chief of Staff

JUDY COOPER
Director, Administrative Law

DONALD R. WILKES
Director, Corporations

(For all the volunteer
help we can get)

FAX: (304) 558-0900

STATE OF WEST VIRGINIA

SECRETARY OF STATE

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Charleston, WV 25305-0770

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

JUN 10 8 51 AM '93

FILED

TO: Barbara Fox

AGENCY: Board of Education

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: May 17, 1993

THE ATTACHED RULE FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 189 TITLE: 126 Board of Education

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: Barbara L Fox

TITLE OF PERSON SIGNING: Executive Secretary

DATE: June 7, 1993

* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.