

ELIGIBILITY OF RESIDENT/NONRESIDENT  
STUDENTS FOR ENROLLMENT

The Board of Education establishes the following policy for determining eligibility to attend the public schools of this county.

The Board shall provide a free and appropriate education to all children who have:

- A. attained the age of five (5) years prior to the first day of September of the school year in which the child is enrolled in kindergarten; or
- B. attained the age of six (6) years prior to the first day of September of the school year in which the child is enrolled in grade one (1); and
- C. not yet attained the age of twenty-two (22) years;

Further the Board shall provide a free an appropriate education to all children who are attending public school in accordance with provisions of WV Code 18-20-1 and West Virginia Board of Education policy 2419. These provisions relate to the education of pre-school, early childhood, middle childhood, adolescent and adult students whose educational programs require special education and related services, including children who have attained the age of three (3) through children who are five (5) years of age prior to September 1st of a school year. The duty of the school to provide such an education pursuant to WV Code 18-20-1 and State Board of Education policy 2419 is met only when the student has attained the age of twenty-one (21) prior to September 1st of any school year or the student has met graduation requirements as specified by the Individualized Education Program and such requirements are within the State and local policy pertaining to graduation requirements.

No student shall be admitted for the first time to any public school in the State unless the person enrolling the student presents a copy of the student's original birth record certified by the State registrar of vital statistics confirming the student's identity, age, and State file number of the original birth record. If a certified copy of the student's birth record cannot be obtained, the student shall be enrolled with an affidavit completed by the person so enrolling the student explaining the inability to produce a certified copy of the birth record; however, if any person submitting such affidavit is in U.S. military service and is in transit due to military orders, a three week extension shall be granted to such person for providing the birth records.

Upon the failure of any person enrolling a student to furnish a certified copy of the student's birth record in conformance with the paragraph above, the principal of the school in which the student is being enrolled or his/her designee shall immediately notify the local law-enforcement agency. The notice to the local law enforcement agency shall include copies of the submitted proof of the student's identity and age and the affidavit explaining the inability to produce a certified copy of the birth record. Within fourteen (14) days after enrolling a transferred student, the principal of the school in which the student has been enrolled or his/her designee shall request that the principal or his/her designee of the school in which the student was previously enrolled transfer a certified copy of the student's birth record. Principals and their designees are immune from civil or criminal liability in connection with any notice to a local law enforcement agency of a student lacking a birth certificate or failure to give such notice.

Unless students are transferred to a County school from outside the County according to pertinent provisions of law and policy or are homeless students as that designation is defined by the State and Federal law or are foreign exchange or other foreign students visiting persons who reside in the County, they must be current residents of the County in order to enroll in the school system.

WV State Superintendent Interpretation, August 29, 2000  
WV State Board of Education policy 2419  
WV Code 18-2-5c, 18-8-1a, 18-8A-1, and 18-20-1, et seq.

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