

Book	Policy Manual
Section	Ready for the board
Title	Copy of INTRA-STATE ENROLLMENT
Code	po5113
Status	
Legal	WV Code 18-5-16 and 18-5-16a
Adopted	July 9, 2009
Last Revised	August 7, 2012

5113 - **INTRA-STATE ENROLLMENT**

The Board of Education shall permit the enrollment of students from other WV ~~counties~~ districts in a school or program of this ~~County District~~, provided each enrollment is in accordance with laws and regulations of the State concerning intra-State student enrollment and transfer, the provisions of this policy, and the administrative guidelines established to implement this policy.

Transfers of students from one (1) ~~county~~ district to another may be made by the county board of the ~~county~~ district in which the student desiring to be transferred resides. The transfer shall be subject to the approval of both the board of the ~~county~~ district in which the student resides and the board of the ~~county~~ district to which the student wishes to transfer.

For purposes of net enrollment:

- A. whenever a student is transferred on a full-time basis from one (1) school district to another district pursuant to this policy, the ~~county~~ district to which the student is transferred shall include such student in its net enrollment;
- B. whenever a student is transferred on a part-time basis from one (1) school district to another school district, the ~~county~~ district in which the student is a bona fide resident shall count the student in its net enrollment.

If, after two (2) county boards have agreed to a transfer arrangement for a student, that student chooses to return to a school in his/her ~~county~~ district of residence after the second month of any school year, the following shall apply:

- A. The ~~county~~ district of residence may issue an invoice to the county from which the student transferred for the amount, determined on pro rata basis, that the ~~county~~ district of residence otherwise would have received under the State Basic Foundation Program.
- B. The ~~county~~ district from which the student transferred shall reimburse the ~~county~~ district of residence for the amount of the invoice.

~~A parent or guardian of a student may appeal the refusal of the County Board to enter into an agreement to transfer or accept the transfer of the student by filing a Citizens Appeal. See Policy 9135— Appeals Procedure for Citizens.~~

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

The State Superintendent must receive the appeal within thirty (30) days of the district denial of the transfer request.

Hearings on requests for waivers will be generally conducted in conformity with the procedures set forth in West Virginia StateBoard of Education policy 1340.

-

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.

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.

A decision issued by the State Superintendent shall be final.

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 district to revoke the transfer prior to January 1 for the following school year.

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

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

If a student is transferred on either a full-time or a part-time basis without the agreement of both boards by official action as reflected in the minutes of their respective meetings and if the student's parent or guardian fails to appeal or loses the appeal, the student shall be counted only in the net enrollment of the county district in which the student resides.

DEFINITIONS:

A. Class/School Size

The restrictions on the number of students in a class/school due to State law, or financial or operating conditions and County District policy.

B. County District Student

A student who resides in this County District.

C. Intra-State

A West Virginia student residing in a county district other than Morgan County.

D. Program

Any one (1) of the specific course offerings of this County District.

E. Program Size

The restrictions on a number of students in a program due to WV law and circumstances unique to that specific program, and/or financial or operating conditions of the County District.

The Superintendent shall prepare guidelines for the implementation of this policy in ways that comply with relevant State laws and guidelines and establish procedures that provide for the following:

A. Compliance with Federal and State discrimination laws.

B. A student's application may be denied if the student is, at the time of application, expelled from any school.

C. Application procedures including the criteria by which applications from intra-state students shall be reviewed and prioritized. County District students and any intra-state students previously enrolled under the provisions of this policy shall be given priority.

D. Communications with applicants and their parents concerning this policy and the County's District's guidelines, including the timelines for application and notification of acceptance or rejection.

- E. Athletic eligibility complies with State regulations and the provisions set forth by the West Virginia Secondary Schools Activities Commission (WVSSAC).
- F. Any transportation provided by the ~~County~~ district to the intra-state student takes place within established bus routes and bus stops within the ~~County~~ District.
- G. Set ~~County~~ District capacity limits by grade level, school building, and educational program.

The Board reserves the right to modify the conditions under which intra-state enrollment would continue for any particular program, classroom, or school.

[West Virginia Board of Education policy 7212](#)

© **Neola 2012**

Last Modified by Erich May on January 7, 2019