

Barbour County Schools
SCHOOL ATTENDANCE ZONES and TRANSFERS
Residents and Non-residents

- 1.0 Each school in the county has been zoned by the Board of Education for attendance purposes.
- 2.0 For school enrollment purposes, residency refers to domicile, or the parent's or legal guardian's and student's true, fixed, permanent home and place of habitation.
 - 2.1 Owning property does not constitute residency. Student residency will be determined by where they sleep, the greatest percentage of school nights, Sunday through Thursday, over the period of a month.
 - 2.1.1 If the identified percentage is equal.
 - 2.1.1.1. The parents will mutually agree to the school to attend for the full year, or
 - 2.1.1.2 If mutual agreement cannot be reached, the student will attend the school that they attended in the county the previous year, or
 - 2.1.1.3 If the student did not attend Barbour County Schools the previous year, a drawing will be held to determine the school that the student will attend for the full year.
 - 2.2 The board shall reserve the right to require written documents, affidavits, verifications, or other evidence deemed necessary to establish domicile of a student and family.
 - 2.3 The burden of establishing domicile to gain feeder area status is upon the student's parent or legal guardian.
 - 2.4 Property tax receipts, utility bills, current driver's license, a legitimate lease, passport, etc., may be used to establish domicile.
 - 2.5 Any family providing false or misleading information regarding domicile shall be denied enrollment as an out-of-attendance area (zone) student.
- 3.0 The approved attendance areas for Barbour County schools are as follows:
 - 3.1 **Belington Elementary School** – South to and including Rock Run Road (904) and includes city limits of Belington. North to entrance of Midway Road (9), includes Midway Road, Point Pleasant Road (250/10) and Marysville Road (10) areas. North on Route 92 to Meadowville. East on 4-H Road (9) to N 39°06.90' W 79°55.066'. East to Laurel Mt. area (15) then Northeast to include Stringtown (48) & (48/2), Mud-Run (92/14) and Hunters Fork (40) & (40/8). west to Middle Fork River on the Audra Road including Chestnut Flats (54) and Dogtown Road (11/16) & (11/13). West on the Talbott Road (17) to the Randolph and Upshur County lines including county routes (19) and (17/2) as well as Trinity.
 - 3.2 **Belington Middle School** – The attendance areas defined for Belington and Junior Elementary Schools.
 - 3.3 **Junior Elementary School** – South of Rock Run Road (904), to the Randolph County line; including the Westside of Junior (52), both directions along the river, the towns of Junior, Weaver, Dartmoor and Tyview Area. From West Junior to the top of the hill near Trinity Church.
 - 3.4 **Kasson School** – South to Meadowville on Route 92, including White Oak (92/13). East of Meadowville along Route 9 to Randolph County line including the Teter Lake (26) and Pleasure Valley areas (9). West off 92 to the Eastside of Stalnaker Road (92/12), (5/8), & (40/1). North off of the Stalnaker Road along Sunshine

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Ridge Road (5/7) and the Bootjack area (24) to the Northeast side of Chestnut Ridge on the Laurel Creek (Route 24) Road, including. Route 38 east of Tacy. East on 38 to Tucker County line including the communities of Kasson, Valley Furnace, and Nestorville. County Route 10 west of Tygart Valley River including Moatsville area. North from Moatsville to Mt. Morris Community (2/4) then West to Taylor County line (1) & (1/1). North 92 to Preston County line then SE to the Colebank Community at County Route 4.

3.5 **Philip Barbour High School** – Philip Barbour High School includes all of Barbour County.

3.6 **Philippi Elementary School** – North on Route 250-119 to Taylor County line. East to Pleasant Creek Recreation Park (10); West off Route 250, Upper Pleasant Creek area (10), South to Philippi including Norris Ridge (119/5) and Alderson-Broadus College along the road back of the campus (119/20). All of the City of Philippi and Mansfield Addition. Shooks Run (7/7) and Cherry Hill (7) area West of the school. From the Harrison County line on Route 57 which includes the Indian Fork area (32), Shooks Run (57/12), Brushy Fork (7), and Stuarts Run (18), North of Route 57 to Harrison County line. On Route 119 west to Mt. Vernon Church. ON Route 250 from Midway Road (9) North to Philippi including 4-H Road (250/5), (40/5), & (40/4) to N 39°06.90' W 79°55.066', Old Route 250 (23), Sand Run Road (40/3) & (40/4), Silent Grove (250/3) and Hanging Run (12/6) , Olive Hill (5), Meriden (24), and Morrell (24/2) into Philippi. West on Route 38 from, but not including Boot Jack Road (24) and Sunshine Ridge Road (5/7). The Railroad Grade (12/4), (12/7), (12), (12/8) through Arden to the Moatsville Bridge, West to intersection with 250-119. From city limits at Chestnut Street Southwest and East to include Grabanickel (30), Independence (30), Union (30/3), (30/6), & (30/7) and Mt. Liberty (30) & (21) areas to Route 250. Arden Road (6) & (12), Clemtown to Moatsville Road (10) to the Moatsville Bridge including Center Hill (6), Prichard-Mt. Beulah (6/6), (6/3), & (10/7) areas. From the intersection of Route 76 into Route 119 and 250 at Corders Crossing then West on Route 76 to the junction of Route 16 into Brownton, Bear Mountain, and Greer Gas area (16). On 76 North to Taylor County line then West on (77/8) to Barbour Corner and Camp Run (77/1) area off 76 and Galloway. Beginning with the Mt. Vernon Church and including the areas along 119 west. East of 119 on the Carrolton-Mt. Hebron Road (34) & (36) to the intersection with the Audra-Volga Road (11/6) & (11). To the Middle Fork River (36) at Audra State Park, southwest to the Upshur County line. West off the Audra-Volga Road (11) to Hall (46). Off 119 west to Century No. 1(119/16) including the Peel Tree {20} and Century No. 2 (34) & (119/15) areas.

3.7 **Philippi Middle School** – The attendance area defined for Philippi Elementary School.

4.0 All students are required to attend school in the attendance area of their residence, with five exceptions, as follows:

4.1 Administrative Transfer

4.1.1 This is a transfer that is initiated by Barbour County Schools.

4.1.2 This transfer is necessitated when there are students in excess of the guidance of WV Code §18-5-18a.

4.1.3 Barbour County Schools will provide appropriate bus transportation for students transferred within this section.

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- 4.2 A student who changes residence to a new attendance area (in county) during the second semester may be allowed to complete the school term at the school he/she attended before moving if the principals and attendance director agree;
- 4.3 A student may, because of justifiable circumstances, be transferred to another school in consultation with the principals and on the superintendent's recommendation/ Board approval provided:
- 4.3.1 Parents who request a transfer from the student's home attendance area to another attendance area must complete the request of transfer procedure as outlined in **In-County Out-of-Zone Request for Transfer Procedures 8210.P.**
- 4.3.2 Room is available in accordance with the homeroom size listed below or by a similar method:
- | | |
|---------------------|-----------------------------------|
| Pre-Kindergarten | 20 students per homeroom w/ aide |
| Kindergarten | 10 students per homeroom w/o aide |
| | 20 students per homeroom w/ aide |
| Grades 1 through 6 | 25 students per homeroom |
| Grades 7 through 12 | 28 students per homeroom |
- 4.3.3 Parents or legal guardians provide transportation for the student unless the student can board the bus at regularly scheduled stops, which would cause no deviation from the regular bus run and provided the bus has not already reached seating capacity. No bus transfers of students below 7th grade will be approved.
- 4.3.4 Parental transfer requests must meet the approval of the school's receiving principal, as well as have the superintendent's recommendation and board approval.
- 4.3.5 Parental Transfer Requests must be made in writing per Procedure 8210P
- 4.4 The Attendance Director has determined a student to be "Homeless" per WVDE Policy 4110 and Subtitle B, Title VII McKinney-Vento Homeless Assistance Act;
- 4.5 For reasons affecting the best interests of a school (i.e., school safety, fiscal concerns, pupil/teacher ratio, etc.) the superintendent may recommend student transfers to the board for approval.
- 5.0 The following guidelines apply to all transfer students:
- 5.1 When class size exceeds prior to October 1st of the current school year;
- 5.1.1 the guidance provided in WV Code §18-5-18a, the last student to enroll in a class will be the first student to be administratively transferred, etc.
- 5.1.2 the guidance in 4.3.2 above, the last transfer received will be the first transfer to be revoked, etc.
- 5.2 Transfers will be processed by the date/time received. When there is limited space available for all enrollments received on the same date, a drawing will be held to establish the prioritization of each student. All involved parties

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will be invited to attend the drawing. The drawing will be held at the county board office and will be witnessed by two central office employees designated by the superintendent.

- 5.3 Students who attend school out of their attendance area must comply with the terms of the agreement of the transfer (i.e., discipline, attendance, enrollment figures, and academics). A nonresident or resident placement may be revoked due to chronic absenteeism, tardiness, behavioral infractions categorized as level three or four as defined in WVBE Policy 4373, or failure to comply with agreed-upon conditions of the transfer as established between the parents or guardians and the county school system.
- 5.4 A student who changes residence to a new attendance area during the second semester may complete the school term at the school term he/she attended before moving provided he/she complies with the contents of this policy, and the request is made by the parent or legal guardian, in writing, to the principal as soon as possible after the change in residence occurs. Students who have transferred will be required to enroll in their home school if the teacher-pupil ratio is exceeded or causes an additional financial burden upon the school system.
- 5.5 All students who reside in a particular school attendance area and desire to attend school in that attendance area but do not live with their parents or legal guardian must request and receive board permission to attend the school in that attendance area in compliance with the contents of this policy. Principals shall require notarized Acknowledgement of Responsibility signed by the parent/legal guardian and the head of the household in which the student resides. This does not apply for students 18 and older.
- 5.6 During the 9th – 12th grades, a student shall be entitled to one transfer into the public high school regardless of from where in the state the student is transferring. A student shall be entitled to transfer back to a non-public high school if said student had been enrolled in said non-public high school 365 days prior to enrollment in the 9th grade. Any student transferring under the provisions of this rule will not become eligible for extra-curricular activities as defined by the WVSSAC until completion of the school year in which said transfer occurs. Eligibility will begin with the succeeding fall sports season. Transfer must be completed prior to the first instructional day of the new school year. (WVSSAC Provision 127-2-7.2.9 governs athletic eligibility.)
- 5.7 All current, applicable rules and regulations of the WVSSAC concerning transfer and athletic eligibility will be followed.

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OPEN ENROLLMENT FOR NONRESIDENT STUDENTS

Non-resident students shall be permitted to enroll in a school or program of this County, provided each enrollment is in accordance with laws and regulations of the State concerning non-resident student enrollment and transfer, the provisions of this policy, and the administrative guidelines established to implement this policy. Transfers of non-resident students from one county to another do not require the approval of the County Board in which the student resides. A non-resident or resident placement may be revoked due to chronic absenteeism, tardiness, behavioral infractions categorized as level three or four as defined in WVBE Policy 4373, or failure to comply with agreed-upon conditions of the transfer as established between the parents or guardians and the county school system.

- **Out of District Enrollment for Non-resident Pre-K students:** Pre-K students may remain in their assigned placement for the duration of the school year after the first day of school.
- **Out-of-District Enrollment for Kindergarten and above** permits non-resident students (students who live outside the county where they want to attend school) to apply for enrollment in a school district that is different from the one in which they reside.
- **Application Process:** Non-resident students must apply to the receiving school district. This allows the district to evaluate whether they have the space and resources to accommodate these students.
- **Consideration of Space:** The receiving district is not required to accept non-resident students but may choose to do so based on the available space in the schools. If the school district is at capacity, they are allowed to deny enrollment to non-resident students.
- **Priority for Residents:** The code prioritizes the enrollment of resident students. If space becomes limited, non-resident students may be asked to leave in favor of residents, particularly if a resident student moves into the district and requires placement.
- **Special Provisions for Kindergarten and Above:** There are special provisions for non-resident students in kindergarten and above, allowing them to remain in their receiving school for the rest of the school year if they were enrolled after October 1st. However, if a resident student moves into the district before October 1st and there is no space available, the non-resident student who applied last may be asked to leave to make room for the resident student.

The process for enrollment applications shall be clearly publicized to parents and the general public, including dates and timelines, and shall be made available in the board's website. The board shall also establish a process for non-resident

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students to enroll in any school within the district on a case-by-case basis at any time during the academic year so long as all other requirements are met including that the student has not previously transferred within the same school year. This policy shall not discriminate against non-resident students based on their residential address or any potential disability status.

Enrollment policies are subject to the following criteria:

- A. The County shall give enrollment preferences to:
1. Barbour County Residents who are out of zone.
 2. Siblings of students already enrolled through the open enrollment policy;
 3. Secondary students who have completed 10th grade and, due to family relocation, become nonresident students, but express the desire to remain in a specific school to complete their education;
 4. Students who are children or legal wards of employees of the nonresident county;
- B. The receiving Board may, but is **not** required to, provide an adequate means of transportation to a nonresident student's residence, subject to the following:
1. The receiving board is not required to uniformly provide transportation to nonresident students.
 2. For nonresident students with an IEP that specifies transportation is necessary fulfillment of the program, the receiving county shall either:
 - a. provide transportation to and from the school the nonresident is attending and the nonresident student's residence;
 - b. provide transportation to and from an agreed-upon point on a regular transportation route within the receiving county; or
 - c. provide payment in lieu of transportation for the total miles traveled each day to and from the nonresident

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student is attending and the nonresident student's residence.

- C. The receiving county only may deny a transfer application for the following reasons:
1. There is a lack of grade level capacity in the receiving county. Lack of grade level capacity means approval of the transfer request would result in the receiving county being required to employ additional staff or compensate a classroom teacher pursuant to WV Code 18-5-18a.
 2. A nonresident student may not be granted school placement over a Barbour County resident who has submitted an out-of-zone request.
 3. Lack of programs or services due to areas identified on the county board's critical need policy.
 4. The commission of Level 3 or Level 4 inappropriate behavior as defined by West Virginia Board of Education Policy 4373 in the last year.
- D. In the event a non-resident student fails to fill out or submit an open enrollment application correctly, the Board shall provide an explanation of the ways in which the application may be corrected and submitted for necessary approval.

Funding for Nonresident Students

- A. If a nonresident student begins attending school in the receiving county after the second month of the school year, the receiving county may issue, in the following fiscal year, an invoice to the sending county for the pro rata amount the receiving county would have received under the state basic foundation program had the nonresident student been included in the receiving county's net enrollment for the prior year. The sending county shall reimburse the receiving county the amount of the invoice.
- B. If a nonresident student begins attending school in the receiving county after the child count of exceptional students is certified for a school year, the receiving county may issue, in the following fiscal year, an invoice to the sending county for the pro rata amount the receiving county would have received under aid to exceptional students had the nonresident student been included in the

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receiving county's net enrollment for the prior year. The sending county shall reimburse the receiving county the amount of the invoice.

- C. If a nonresident pre-k student begins attending school in the receiving county after the child count of exceptional students is certified for a school year, the receiving county may issue, in the following fiscal year, an invoice to the sending county for the pro rata amount the receiving county would have received under aid to exceptional students had the nonresident student been included in the receiving county's net enrollment for the prior year. The sending county shall reimburse the receiving county the amount of the invoice.

Transfer Application Appeals

Any nonresident student whose transfer application is denied may file an appeal with the State Superintendent.

The State Superintendent must receive the transfer application appeal within thirty (30) days of the date the receiving county denied the transfer application.

The State Superintendent shall review the transfer application and the receiving county's denial decision and may hold a hearing if warranted.

The State Superintendent shall issue a decision on the appeal no later than five days prior to the start of a semester. If the transfer application appeal was not received in time for the State Superintendent to meet this deadline, the State Superintendent shall issue a decision as soon as possible.

A decision issued by the State Superintendent shall be final.

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 policy.

B. Resident County Student

A student who resides in this County.

C. Nonresident Student

Means a student who resides in the State of WV and who is enrolled in or is

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seeking enrollment in a county other than the county in which the student resides.

D. Open Enrollment

Means a policy adopted and implemented by a Board to allow nonresident students to enroll in any school within any school within the County. Open enrollment is distinct from mutual agreement of two (2) Boards regarding mass transfer of students as contemplated in WV Code 18-5-13(f)(1)(c).

E. Program

Anyone (1) of the specific course offerings of this County.

F. 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.

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. Students who have been suspended or expelled from a public or private school in West Virginia or another state, currently residing within the County, may not be denied enrollment in the County school system unless determined to be a “dangerous student” under the procedures set forth in WV Code 18A-5-1a. County superintendents may, in their discretion, determine the appropriate educational placement, including alternative education services, for these students (State Superintendent of Schools’ Interpretation of January 26, 2007).
- C. Application procedures include the criteria by which applications from nonresident students shall be reviewed and prioritized. County students and any nonresident students previously enrolled under the provisions of this policy shall be given priority.
- D. Communication with applicants and their parents concerning this policy and the County'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).

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- F. Any transportation provided by the County to the nonresident student takes place within established bus routes and bus stops within the County.
- G. Set County capacity limits by grade level, school building, and educational program. The Board reserves the right to modify the conditions under which nonresident enrollment would continue for any particular program, classroom, or school.

The Board shall report annually to the State Department of Education the number of resident and nonresident student transfers approved by the Board for the preceding school calendar year, as well as the number of resident and nonresident student transfer applications denied and the reasons for those denials. Information regarding the annual number of resident and nonresident student transfer approvals and denials shall also be made available on the Board's website. The Board reserves the right to modify the conditions under which nonresident enrollment would continue for any particular program, classroom, or school.

Source: BOE Minutes
References: 42 USC 11431 et seq.
WV Code 18-3-19b, 18-5-39, 18-5-16, 18-5-16.a
WVDE Policy 4110

Adopted: 1974
Revised: 03/10/25 11/18/19; 11/27/17; 09/26/11; 5/21/09; 2/25/08; 8/22/95;
8/15/89; 1985; 1983; 7/21/81; 8/19/80; 8/05/80; 9/18/79