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**ENROLLED**

**Senate Bill No. 612**

(By SENATORS PLYMALE, BROWNING, EDGELL, LAIRD, STOLLINGS, TUCKER AND WILLS)

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[Passed March 11, 2011; in effect ninety days from passage.]

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AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5A-3a; and to amend and reenact §18-5B-10 of said code, all relating to exempting certain schools and school districts from certain statutory provisions pursuant to certain statutory approval and recommendation processes.

*Be it enacted by the Legislature of West Virginia:*

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §18-5A-3a; and that §18-5B-10 of said code be amended and reenacted, all to read as follows:

**ARTICLE 5A. LOCAL SCHOOL INVOLVEMENT.**

**§18-5A-3a. Waivers of statutes granted to public schools pursuant to recommendations submitted by local school improvement councils; limitations.**

(a) The Legislature hereby grants a waiver from the statute or

1 statutes indicated for the following school or schools pursuant to  
2 and for the purposes enumerated in the written statement  
3 recommending the waiver, with supporting reasons, approved by the  
4 local school improvement council of the respective schools and  
5 recommended by the Legislative Oversight Commission on Education  
6 Accountability in accordance with the provisions of section three  
7 of this article. The grant of a waiver to a statute means that the  
8 school or schools granted the waiver may implement the actions as  
9 specifically described in their written statement notwithstanding  
10 the provisions of this code from which they are specifically  
11 waived. These waivers are limited to the purposes as specifically  
12 described in the statement upon which the Legislative Oversight  
13 Commission on Education Accountability made its recommendation for  
14 a waiver to the Legislature and are expressly repealed for any  
15 modification or implementation of the described actions which  
16 changes those purposes. However, nothing in this section prohibits  
17 a local school improvement council school that has been granted a  
18 waiver from submitting a request to the Legislative Oversight  
19 Commission on Education Accountability for modifications, subject  
20 to approval in accordance with section three of this article.

21 (b) The following waivers are granted:

22 Section two-b, article three, chapter eighteen-a of this code  
23 is waived for the schools of Cabell County for the purpose of  
24 implementing a comprehensive new teacher induction program, which

1 purposes are as more specifically described in the schools' written  
2 statement approved by the county board and submitted to the  
3 Legislative Oversight Commission on Education Accountability on  
4 February 24, 2011.

5 **ARTICLE 5B. SCHOOL INNOVATION ZONES ACT.**

6 **§18-5B-10. Exceptions to statutes granted to innovation zones;  
7 limitations.**

8 (a) The Legislature hereby grants an exception to the statute  
9 or statutes indicated for the following schools pursuant to and for  
10 the purposes enumerated in their innovation zone plans approved by  
11 the state board at its meeting on the date specified. The grant of  
12 an exception to a statute means that the school or schools granted  
13 the exception may implement the actions as specifically described  
14 in their approved innovation zone plan notwithstanding the  
15 provisions of this code from which they are specifically excepted.  
16 These exceptions are limited to the purposes as specifically  
17 described in the plan approved on the date indicated and are  
18 expressly repealed for any plan modification or plan implementation  
19 which changes those purposes. However, nothing in this section  
20 prohibits a school or schools with an approved innovation zone plan  
21 from requesting plan modifications, subject to approval of the  
22 state board, and if the modifications change the purposes for which  
23 an exception to a statute was granted, the state board shall  
24 request an exception to achieve the new purposes in the manner

1 provided in section five of this article for requesting exceptions  
2 to a statute. If the approved innovation zone plan of a school or  
3 schools is withdrawn by the state board, or the innovation zone  
4 designation of a school or schools is revoked by the state board,  
5 the exception granted to that school or those schools is expressly  
6 repealed.

7 (b) The following exceptions are granted:

8 (1) Piedmont Elementary School, Kanawha County, is excepted  
9 from subsection (3), section fourteen, article four, chapter  
10 eighteen-a of this code for the purpose of allowing specialist  
11 teachers to take their planning period before and after school  
12 totaling one hour, three days per week, and from section  
13 eighteen-a, article five of this chapter for the purpose of  
14 permitting a number of students in music and physical education  
15 classes in excess of the class size limits to provide the time and  
16 structure for teams to meet in professional learning communities,  
17 which purposes are as more specifically described in the school's  
18 innovation zone plan approved by the state board on January 13,  
19 2010;

20 (2) Putnam County High Schools Consortium comprised of Buffalo  
21 High School, Hurricane High School, Poca High School, Winfield High  
22 School and Putnam Career and Technical Center, Putnam County, is  
23 excepted from section forty-five, article five of this chapter only  
24 to the extent necessary for the purpose of establishing a

1 structured transition program for freshman only one day prior to  
2 the beginning of the regular instructional term, and for the  
3 purpose of permitting the creation of not more than three hours  
4 each month during the school term of structured, regularly  
5 scheduled time for all teachers to work in professional learning  
6 communities, which purposes are as more specifically described in  
7 the schools' innovation zone plan approved by the state board on  
8 January 13, 2010;

9 (3) Nellis Elementary School, Boone County, is excepted from  
10 subsection (a), section two, article five-a of this chapter, for  
11 the purpose of expanding the membership of its local school  
12 improvement council, which purpose is as more specifically  
13 described in the school's innovation zone plan approved by the  
14 state board on January 13, 2010;

15 (4) Cabell County Secondary School Consortium comprised of  
16 Cabell County Career Technical Center, Cabell Midland High School  
17 and Huntington High School, Cabell County, is excepted from  
18 sections one and one-a, article eight of this chapter for the  
19 purpose of raising the compulsory school attendance age to eighteen  
20 years old, and from section two-b, article three, chapter  
21 eighteen-a of this code for the purpose of providing a customized  
22 high quality beginning teacher induction program developed at the  
23 county level, which purposes are as more specifically described in  
24 the schools' innovation zone plan approved by the state board on

1 January 13, 2010; and

2 (5) Clay County Schools is excepted from section fifteen,  
3 article five of this chapter for the purpose of allowing persons  
4 over the age of twenty-one years to enroll without charge of fees  
5 in the Clay County Schools "iREAD" program and upon, successful  
6 completion, be awarded a Clay County High School Diploma, which  
7 purposes are more specifically described in the Clay County  
8 School's innovation zone plan approved by the state board on  
9 January 12, 2011. The grant of this exception does not abrogate  
10 the authority of the state board to determine the minimum standards  
11 for granting diplomas pursuant to section six, article two of this  
12 chapter and does not permit persons over the age of twenty-one who  
13 re-enter the public schools to be included in net enrollment for  
14 the purposes of funding pursuant to article nine-a of this chapter,  
15 except as otherwise provided by law.