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Senate Bill No. 612

(By Senators Plymale, Browning, Edgell, Laird, Stollings, Tucker
and Wills)

[Originating in the Committee on Education; reported February 28,
2011.]

A BILL 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 processes and recommendation by the Legislative Oversight Commission on Education Accountability.

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

1 **councils; limitations.**

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16 a waiver to the Legislature and are expressly repealed for any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

23 (b) The following waivers are granted:

24 Section two-b, article three, chapter eighteen-a of this code

1 is waived for the schools of Cabell County for the purpose of
2 implementing a comprehensive new teacher induction program, which
3 purposes are as more specifically described in the schools' written
4 statement approved by the county board and submitted to the
5 Legislative Oversight Commission on Education Accountability on
6 February 24, 2011.

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

8 **§18-5B-10. Exceptions to statutes granted to innovation zones;
9 limitations.**

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

1 purposes for which an exception to a statute was granted, the state
2 board shall request an exception to achieve the new purposes in the
3 manner provided in section five of this article for requesting
4 exceptions to a statute. If the approved innovation zone plan of
5 a school or schools is withdrawn by the state board, or the
6 innovation zone designation of a school or schools is revoked by
7 the state board, the exception granted to that school or those
8 schools is expressly repealed.

9 (b) The following exceptions are granted:

10 (1) Piedmont Elementary School, Kanawha County, is excepted
11 from subsection (3), section fourteen, article four, chapter
12 eighteen-a of this code for the purpose of allowing specialist
13 teachers to take their planning period before and after school
14 totaling one hour, three days per week, and from section
15 eighteen-a, article five of this chapter for the purpose of
16 permitting a number of students in music and physical education
17 classes in excess of the class size limits to provide the time and
18 structure for teams to meet in professional learning communities,
19 which purposes are as more specifically described in the school's
20 innovation zone plan approved by the state board on January 13,
21 2010;

22 (2) Putnam County High Schools Consortium comprised of Buffalo
23 High School, Hurricane High School, Poca High School, Winfield High
24 School and Putnam Career and Technical Center, Putnam County, is

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

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

17 (4) Cabell County Secondary School Consortium comprised of
18 Cabell County Career Technical Center, Cabell Midland High School
19 and Huntington High School, Cabell County, is excepted from
20 sections one and one-a, article eight of this chapter for the
21 purpose of raising the compulsory school attendance age to eighteen
22 years old, and from section two-b, article three, chapter
23 eighteen-a of this code for the purpose of providing a customized
24 high quality beginning teacher induction program developed at the

1 county level, which purposes are as more specifically described in
2 the schools' innovation zone plan approved by the state board on
3 January 13, 2010; and

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