

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 councils; limitations.

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17 Legislature and are expressly repealed for any modification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

20 local school improvement council school that has been
21 granted a waiver from submitting a request to the Legislative
22 Oversight Commission on Education Accountability for
23 modifications, subject to approval in accordance with section
24 three of this article.

25 (b) The following waivers are granted:

26 Section two-b, article three, chapter eighteen-a of this
27 code is waived for the schools of Cabell County for the
28 purpose of implementing a comprehensive new teacher
29 induction program, which purposes are as more specifically
30 described in the schools' written statement approved by the
31 county board and submitted to the Legislative Oversight
32 Commission on Education Accountability on February 24,
33 2011.

ARTICLE 5B. SCHOOL INNOVATION ZONES ACT.

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

1 (a) The Legislature hereby grants an exception to the
2 statute or statutes indicated for the following schools
3 pursuant to and for the purposes enumerated in their
4 innovation zone plans approved by the state board at its
5 meeting on the date specified. The grant of an exception to

6 a statute means that the school or schools granted the
7 exception may implement the actions as specifically de-
8 scribed in their approved innovation zone plan notwith-
9 standing the provisions of ~~the statute~~ this code from which
10 they are specifically excepted. These exceptions are limited
11 to the purposes as specifically described in the plan approved
12 on the date indicated and are expressly repealed for any plan
13 modification or plan implementation which changes those
14 purposes. However, nothing in this section prohibits a school
15 or schools with an approved innovation zone plan from
16 requesting plan modifications, subject to approval of the
17 state board, and if the modifications change the purposes for
18 which an exception to a statute was granted, the state board
19 shall request an exception to achieve the new purposes in the
20 manner provided in section five of this article for requesting
21 exceptions to a statute. If the approved innovation zone plan
22 of a school or schools is withdrawn by the state board, or the
23 innovation zone designation of a school or schools is revoked
24 by the state board, the exception granted to that school or
25 those schools is expressly repealed.

26 (b) The following exceptions are granted:

27 (1) Piedmont Elementary School, Kanawha County, is
28 excepted from subsection (3), section fourteen, article four,
29 chapter eighteen-a of this code for the purpose of allowing
30 specialist teachers to take their planning period before and
31 after school totaling one hour, three days per week, and from
32 section eighteen-a, article five of this chapter for the purpose
33 of permitting a number of students in music and physical
34 education classes in excess of the class size limits to provide
35 the time and structure for teams to meet in professional
36 learning communities, which purposes are as more specifi-
37 cally described in the school's innovation zone plan approved
38 by the state board on January 13, 2010;

39 (2) Putnam County High Schools Consortium comprised of
40 Buffalo High School, Hurricane High School, Poca High
41 School, Winfield High School and Putnam Career and
42 Technical Center, Putnam County, is excepted from section
43 forty-five, article five of this chapter only to the extent
44 necessary for the purpose of establishing a structured
45 transition program for freshman only one day prior to the
46 beginning of the regular instructional term, and for the
47 purpose of permitting the creation of not more than three
48 hours each month during the school term of structured,

49 regularly scheduled time for all teachers to work in profes-
50 sional learning communities, which purposes are as more
51 specifically described in the schools' innovation zone plan
52 approved by the state board on January 13, 2010;

53 (3) Nellis Elementary School, Boone County, is excepted
54 from subsection (a), section two, article five-a of this chap-
55 ter, for the purpose of expanding the membership of its local
56 school improvement council, which purpose is as more
57 specifically described in the school's innovation zone plan
58 approved by the state board on January 13, 2010; ~~and~~

59 (4) Cabell County Secondary School Consortium comprised
60 of Cabell County Career Technical Center, Cabell Midland
61 High School and Huntington High School, Cabell County, is
62 excepted from sections one and one-a, article eight of this
63 chapter for the purpose of raising the compulsory school
64 attendance age to eighteen years old, and from section two-b,
65 article three, chapter eighteen-a of this code for the purpose
66 of providing a customized high quality beginning teacher
67 induction program developed at the county level, which
68 purposes are as more specifically described in the schools'
69 innovation zone plan approved by the state board on January
70 13, 2010; and

71 (5) Clay County Schools is excepted from section fifteen,
72 article five of this chapter for the purpose of allowing
73 persons over the age of twenty-one years to enroll without
74 charge of fees in the Clay County Schools “iREAD” program
75 and upon, successful completion, be awarded a Clay County
76 High School Diploma, which purposes are more specifically
77 described in the Clay County School’s innovation zone plan
78 approved by the state board on January 12, 2011. The grant
79 of this exception does not abrogate the authority of the state
80 board to determine the minimum standards for granting
81 diplomas pursuant to section six, article two of this chapter
82 and does not permit persons over the age of twenty-one who
83 re-enter the public schools to be included in net enrollment
84 for the purposes of funding pursuant to article nine-a of this
85 chapter, except as otherwise provided by law.