

**ENROLLED**

**Senate Bill No. 612**

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

---

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

---

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.**

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17 Legislature and are expressly repealed for any modification  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 this code from which they are  
10 specifically excepted. These exceptions are limited to the  
11 purposes as specifically described in the plan approved on  
12 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;

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.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

.....  
*Chairman Senate Committee*

.....  
*Chairman House Committee*

Originated in the Senate.

In effect ninety days from passage.

.....  
*Clerk of the Senate*

.....  
*Clerk of the House of Delegates*

.....  
*Acting President of the Senate*

.....  
*Speaker of the House of Delegates*

\_\_\_\_\_

The within ..... this the .....  
Day of ....., 2011.

.....  
*Governor*