

ENROLLED

H. B. 3159

(By Delegates M. Poling, Stowers, Young, Perry, Williams,
Barill, Pethtel, Lawrence, Pasdon, Ambler and Cooper)

[Passed April 10, 2013; in effect from passage.]

AN ACT to amend and reenact §18-5B-10 of the code of West Virginia, 1931, as amended, relating to excepting Monroe County Schools from compulsory attendance age law for purpose of increasing age to eighteen; and excepting Nicholas County Schools from requirement to commence compulsory attendance actions after certain maximum absences for purpose of limited absence excusal for Saturday program completion.

Be it enacted by the Legislature of West Virginia:

That §18-5B-10 of the code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 5B. SCHOOL INNOVATION ZONES ACT.

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

(a) The Legislature hereby grants an exception to the

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10 date indicated and are expressly repealed for any plan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20 withdrawn by the state board, or the innovation zone designation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23 repealed.

24 (b) The following exceptions are granted:

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

13 (2) Putnam County High Schools Consortium comprised of
14 Buffalo High School, Hurricane High School, Poca High School,
15 Winfield High School and Putnam Career and Technical Center,
16 Putnam County, is excepted from section forty-five, article five
17 of this chapter only to the extent necessary for the purpose of
18 establishing a structured transition program for freshman only
19 one day prior to the beginning of the regular instructional term,
20 and for the purpose of permitting the creation of not more than
21 three hours each month during the school term of structured,
22 regularly scheduled time for all teachers to work in professional
23 learning communities, which purposes are as more specifically
24 described in the schools' innovation zone plan approved by the

1 state board on January 13, 2010;

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

8 (4) Cabell County Secondary School Consortium comprised of
9 Cabell County Career Technical Center, Cabell Midland High School
10 and Huntington High School, Cabell County, is excepted from
11 sections one and one-a, article eight of this chapter for the
12 purpose of raising the compulsory school attendance age to
13 eighteen years old, and from section two-b, article three,
14 chapter eighteen-a of this code for the purpose of providing a
15 customized high quality beginning teacher induction program
16 developed at the county level, which purposes are as more
17 specifically described in the schools' innovation zone plan
18 approved by the state board on January 13, 2010;

19 (5) Clay County Schools is excepted from section fifteen,
20 article five of this chapter for the purpose of allowing persons
21 over the age of twenty-one years to enroll without charge of fees
22 in the Clay County Schools "iREAD" program and upon, successful
23 completion, be awarded a Clay County High School Diploma, which
24 purposes are more specifically described in the Clay County

1 School's innovation zone plan approved by the state board on
2 January 12, 2011. The grant of this exception does not abrogate
3 the authority of the state board to determine the minimum
4 standards for granting diplomas pursuant to section six, article
5 two of this chapter and does not permit persons over the age of
6 twenty-one who re-enter the public schools to be included in net
7 enrollment for the purposes of funding pursuant to article nine-a
8 of this chapter, except as otherwise provided by law;

9 (6) Monroe County Schools is excepted from subdivision (3),
10 subsection (a), section one-a, article eight of this chapter for
11 the purpose of allowing the school district to increase the
12 compulsory school attendance age from seventeen years of age to
13 eighteen years of age as part of its county-wide dropout
14 prevention initiative as more specifically described in the
15 Monroe County School's Local Solutions Dropout Prevention and
16 Recovery Innovation Zone plan approved by the state board on
17 November 14, 2012; and

18 (7) Nicholas County Schools is excepted from sections four,
19 eight and eleven, article eight of this chapter only to the
20 extent necessary to permit up to two unexcused absences per
21 semester on regular instructional days to be erased from a
22 student's attendance record and not used toward the initiation of
23 the attendance enforcement actions as set-forth in those
24 sections, if the student successfully completes the county's

2013 IZ waivers

1 Saturday instruction program operated as part of the county's
2 county-wide Attendance Recovery dropout prevention initiative as
3 more specifically described in the Nicholas County School's Local
4 Solutions Dropout Prevention and Recovery Innovation Zone plan
5 approved by the state board on October 3, 2012.